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*American Dramatists Series*

# THE ARBITRATORS

A PLAY IN  
THREE ACTS BY

HENRY A. COIT



BOSTON  
RICHARD G. BADGER  
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TO  
THOSE OF MY FELLOW-COUNTRYMEN  
WHO HAVE BEEN CROWDED  
INTO THE PENAL INSTITUTIONS  
OF THIS LAND OF LIBERTY  
THIS PLAY IS SYMPATHETICALLY  
DEDICATED



## THE ARBITRATORS



## THE ARBITRATORS

### CHARACTERS:

Martin Kuhns, a mechanic (afterwards, the criminal).

Ann Kuhns, Martin's wife.

Adolph Kuhns, their son (a lad of ten years).

Donald Steel, a money lender.

Milton Brown, a constable.

"Jim" Cox, another constable.

Joel Ford, District Attorney of Cosmos County.

Luther Small, Attorney for Defense.

Emanuel Black, Judge of Superior Court—  
Criminal Division.

Clerk of Court.

Court Stenographer.

A Newspaper Reporter.

Another Newspaper Reporter.

A Newspaper Photographer.

A Woman Magazine Writer—looking for "ma-  
terial."

Mrs. Everhart, a neighbor of the Kuhns.

Bailiffs, Deputy Sheriffs, Assistant Prosecuting

Attorneys, Court Attachés, Spectators—(men,

women, young women and clergymen).

Spirit of Justice,	"FUNDAMENTALS" Moving Spirits of Human Passion and Motive.
Spirit of Dignity,	
Spirit of Vulgarity,	
Spirit of Ambition,	
Spirit of Wealth,	
Spirit of Fear of	
Poverty,	
Spirit of Learning,	
Spirit of Ignorance,	
Spirit of Greed,	
Spirit of Avarice,	
Spirit of Precedent,	
Spirit of Pride,	Gentlemen of the Jury.
Spirit of Humility,	
Spirit of Hate,	
Spirit of Revenge.	
A Grocer,	
A Butcher,	
A Prosperous Merchant,	
A Carpenter,	
A Farmer,	
A Schoolmaster,	
A Plumber,	
A Barber,	
A Retired Business Man—a feeble old man of seventy.	
A Merchant's Clerk—a youth of twenty-three.	
A Broker,	
A Banker.	

TIME: Present. About six months elapse between  
the opening scene of Act I and end of Act III.

PLACE: Any modern, civilized community.

## DESCRIPTIONS OF PERSONS OF THE PLAY

**MARTIN KUHNS:** A man of thirty-five years; medium height, strongly built and close-knit. Black, curly hair—rather closely cropped; clean shaven and blue eyed. A well cast countenance and pleasant expression. His voice is in the bass register without being gruff. He is dressed throughout the action in a suit of store-made clothes of dark material,—not new, but neat. Wears a soft hat, a soft shirt with turn-down collar and a dark four-in-hand scarf.

**ANN KUHNS:** Is a woman a few years younger than Martin—about thirty. Is slight without being thin and of medium height. Light brown, straight hair—a little inclining to the blond type. She has regular features and is comely though not what is commonly termed "Pretty." A neat, motherly woman. Quick in her movements and rapid of speech in ordinary conversation—giving the impression of being possessed of an abundance of nervous energy and capability.

**ADOLPH KUHNS:** A rather handsome lad of ten years favoring his mother in that he inclines to be slight of build though, like her, strong. Has light brown hair. Is brisk and active—a wholesome, boyish boy.

**THE BABY:** An infant of less than a year.

**DONALD STEEL:** A man of fifty. Five feet and ten inches in height and just beginning to grow "portly." His hair is turning gray and he is rather bald. Well dressed in a conventional business suit of fine material, brown in color with a fine white stripe running through it. Carries a brown fedora hat. A turn-down collar and figured silk four-in-hand scarf and diamond scarf pin; tan gloves which he takes off on entering the house, revealing a diamond ring on fourth finger of right hand. He speaks easily and in a brisk, businesslike manner and is quick and businesslike in his action. A heavy, gold watch chain is strung across vest from button to lower left-hand pocket and suspended from chain is an ornament—evidently the emblem of some secret society. He is clean shaven.

**MILTON BROWN:** A large, heavily built man of forty years with a heavy dark mustache. Dark clothes—not in very neat order—a soft shirt, four-in-hand tie and a "Stetson" hat—rather old and worn. Speaks awkwardly and in a gruff, heavy voice. Wears a heavy gold watch chain and a heavy gold huntingcase watch which he consults several times during the action.

**"JIM" COX:** Much younger than Brown. Also rather large and awkward. Clean shaven; dark clothes, dark soft shirt, dark scarf, black fedora hat—rather old. Speaks uncertainly and with diffidence. A novice at the business.

**LUTHER SMALL:** A young man of uncertain age—probably twenty-eight or thirty. Slight in build with blond hair brushed straight back from

his forehead. He wears clothes of fashionable cut and pronounced pattern. Carries a new pearl-gray fedora hat and gray suede gloves; tan shoes—well polished—dark figured silk four-in-hand scarf with a jeweled pin. Also seal ring on fourth finger of right hand. A light gold watch chain is strung across his vest between the upper pockets; in the right-hand pocket is a thin model, open-face gold watch which he consults from time to time. At the other end of the gold chain is a gold pencil with which he occasionally makes a memorandum. He speaks in a high-pitched voice with an evident lack of confidence and during action continually looks to the judge for approval, and defers to Ford.

JOEL FORD: Forty-five years old. Tall, angular and a trifle stooped. While spare, he is evidently a man of great physical strength and is excessively alive, active and vigorous. He is dressed in a conventional business suit of dark material, but not of fashionable cut, and his clothes are in need of pressing—gives the impression of being careless concerning his dress. A heavy seal ring bearing the emblem of some secret society adorns the middle finger of his left hand. A heavy gold chain hangs from the top button of his vest to its lower left-hand pocket, and his watch is an old-fashioned gold hunting-case. He has dark brown hair turning gray on the sides, worn rather long and not very neatly brushed as he runs his fingers through it from time to time as the action proceeds. He speaks in a well-modulated, practiced voice pitched in

the middle register, and with ease and confidence. He gives the impression of being a pains-taking and efficient public official.

**EMANUEL BLACK:** A well preserved, well groomed man of sixty. Thin gray hair and a ruddy face, clean shaven. He is of medium height and proportions. He has clear-cut features and a rather stern though not unpleasant expression. He speaks with a deep, well modulated voice and is impressive in bearing. A scholarly appearing judge and gentleman.

**CLERK OF COURT:** A man of fifty. Rather extravagantly dressed. He inclines to be fat. Is clean shaven, black hair closely cropped. Appears slightly dissipated.

**COURT STENOGRAPHER:** A red-headed man of thirty. About five feet and eight inches in height and slender. Dark colored, neat ready-made clothes.

**A NEWSPAPER REPORTER:** A man of thirty. Clean shaven; of medium height and build; wears glasses, rather untidy in appearance and dress. Carries large silver watch with a leather strap in place of chain or fob.

**ANOTHER NEWSPAPER REPORTER:** A young man probably twenty-five. Clean shaven, tall and slender, business suit of dark colored material.

**WOMAN MAGAZINE WRITER:** About thirty years of age. Medium height and of good figure. Dressed in tailor-made street dress. Very dark brown hair brushed straight back from her forehead and coiled at back of neck. Dark, snappy brown eyes, animated in appearance, speech and action—altogether rather attractive.

**MRS. EVERHART:** An elderly woman with sparse gray hair and wearing gold-rimmed spectacles. Short and stout. Dressed in plain woolen dress of dark color and wears also a plaid shawl. She speaks in a quavering voice.

**SPIRIT OF JUSTICE:** Dressed as she is usually pictured in loose, flowing robes draped at waist and gathered across the breast and fastened there with a knotted brooch with a single jewel in it—a garnet. The robes are of a light gray, soft, filmy, clinging material. She is tall and well proportioned—a Grecian figure. Wide sleeves which reach but midway between the shoulder and elbow do not conceal her arms; she is shod in sandals of untanned leather. Her abundant hair is black and coiled loosely in two large knots—one on either side of the crown—otherwise her head is bare. She has an expansive brow and clearly chiseled nose, a mobile mouth slightly parted lips revealing even, white, strong teeth. She speaks softly with a musical, but plaintive voice except in the jury-room scene, when she is moved to excited action and speech through resentment. Across her eyes is a black bandage of soft material which from time to time she pushes back on her forehead—apparently in an effort to see. She walks with a decided limp.

**SPIRIT OF VULGARITY:** Tall and slender. Dressed in motley of black and red with cap and bells. He carries the fool's wand with the miniature fool's face and head at one end, upon which are fastened a number of small bells that tinkle merrily when shaken and as the Spirit of Vulgarity moves about from place to place. He is nimble

and airy both in speech and gesture—touching everything lightly; cynically calling attention to this and that, sometimes with mock gravity, sometimes with a rippling laugh. He moves about among the crowd continually, pausing now and then for speech or attitude.

**SPIRIT OF LEARNING:** Is of medium height and build and slow and sedate in movement. He does not speak at all. Wears flowing robes of black and the scholar's square cap—the hat of the student. His hair hangs to his shoulders but is not unkempt. Across the outside hatband of his student's hat is the word "Learning" in white letters.

**OTHER SPIRITS:** All the Spirits with the exceptions of Justice, Vulgarity and Learning are clothed alike in loose black robes with hoods of like material attached which completely cover their heads—leaving their faces only visible. The faces of all these Spirits are very pale with the exception of Wealth, whose face is flushed as though with wine. A tight-fitting band of black material encircles the head of each, upon which are printed in white letters the words necessary to indicate the Spirit represented—as, Humility, Wealth, Greed, etc. They all move softly and stealthily. Their voices are insistent and dominant though not loud. Fear of Poverty and Humility, however, speak in rather a whimpering or whining tone of voice.

**JURYMEN:** The jurymen are all men of the usual appearance and dressed in the style and fashion common to men in the several callings and walks of life indicated by their trade or profession.

# THE ARBITRATORS

## ACT I

### SCENE I

*Living room of the Kuhns' home. In center of room is round library table of Flemish oak with a few books in cloth bindings, several magazines, newspapers, etc., on it. At front left is a nickel-trimmed base-burner coal stove; a mantel shelf behind and above stove with clock and few ornaments on it. At left against wall is Flemish oak, mission style upright piano with red plush scarf thrown over top. At center against back wall stands a combined hat-rack and hall bench with looking-glass, umbrella stand, etc.; a window on each side of hat rack. Door leading onto a small porch is at right opening off back wall. Through the glass in upper half of the door may be seen some vines denuded of their leaves and in distance some trees also denuded of leaves—a late fall or winter scene. Against right wall stands a book-case with curtained glass doors; a few ornaments on top of book-case. Next to the book-case stands a leather*

covered "lounge." Beside a green plush "Morris" chair stands a wicker work table with a work basket full of stockings and darning materials. A large imitation leather covered arm chair stands beside library table upon which there is a reading lamp lighted. Door forward to the right leads to the dining-room and kitchen, door rear left leads to sleeping apartments. Green brussels, patterned carpet floor covering; "buckeye" paintings and lithographs adorn walls—also enlarged crayon portraits of Kuhns' mother and father.

ADOLPH is discovered in arm chair reading magazine. ANN enters door right.

Ann (To ADOLPH)—Hurry, Adolph, and light a fire in the stove. (Looking at clock) It is nearly six and your father will soon be here.

Adolph—There isn't much coal left, mother, but I got a lot of wood to-day from where they are building. (Picks up coal scuttle from behind stove and goes out through door right. ANN tidies up at work basket when a key grates in key-hole of door leading on to porch and Martin enters, hangs hat up on hat-rack. ANN advances to meet him and kisses him.)

Ann—Ah! father. Is it cold out, dear?

Martin—(Kisses ANN)—It is blowing up cold. Is the baby asleep?

Ann—Yes!

Adolph (Entering door right with coal scuttle)—Hello, dad! (Puts coal scuttle down beside door and runs to MARTIN.)

Martin (Lifting ADOLPH up at arms' length and

*looking into his face*)—Hello, son! Have you been helping your mother this afternoon like a good little man?

*Adolph*—Yes, dad! I helped in the house—and with the baby—and then you should just see how I cleaned up the yard. I cleaned it up good, and worked hard, too. Why, Mr. Mullen was in and said I could get fifty cents a day doing work like that if I hired out. When school's out I'm going to get a job.

*Ann (Going out door right)*—Yes, indeed, father! he has been a good helper all day.

*Martin (Going to door left. To ADOLPH)*—Let's you and I have a peek at the baby!

*Adolph*—I got to make the fire. (*Picks up coal scuttle and goes to stove.*)

*Martin*—All right, son! you get busy while I take a little look. (*Goes out door left.*)

*Ann (Entering door right with some dishes in her hands)*—We had better have supper in here, Adolph,—it will be warmer. You clear the table off and then help me put on the things.

*Adolph*—Just a minute! As soon as I get the fire started good. (*Busies himself with the fire.*) There! I guess it is going now. (*Gets up and takes dishes from ANN and begins clearing off library table, etc.*)

*Ann (Re-enters door right with a table cloth and some more dishes which ADOLPH takes from her)*—Tell your father supper is about ready—I will bring it right in.

*Adolph (Going to door left, opens it and calls softly)*—Father! supper's ready!

*Martin (From behind door)*—All right! (*En-*

*ters from door left.)* Going to have supper in here? That's good—it will be warmer. Jack Frost is out to-night all right. (*Pauses.*) Wish I could sleep like that baby! Nothing ails her. (*Comes over by table.*) Here! I will help you. (*Goes to table and helps ADOLPH.*)

*Adolph*—Gee! I'm hungry! Guess because I worked so hard to-day.

*Martin*—So am I, but I didn't work any (*pause*) I walked a lot, though; that's just the same as far as making an appetite goes, I guess.

*Ann* (*Entering door right with more dishes and handing them to ADOLPH*)—I will get the coffee, and then we will be all ready. (*Goes out door right.*)

*Adolph* (*Still arranging table*)—Do you think I could get a job, dad—may I try?

*Martin*—Why, you have to go to school. You can't neglect that, you know. You'll have to go to work soon enough! Don't worry about that, son.

*Adolph*—But it would help some, wouldn't it, father? You said these were hard times—and I could work in the afternoons after school.

*Martin*—Your mother couldn't spare you. You can work at home helping her and help that way.

*Ann* (*Entering door right with coffee pot*)—Come! sit down now while things are hot. (*All seat themselves.*) This is a good hot supper. My! but prices of everything have gone up—eggs fifty cents a dozen!

*Adolph*—Mr. Mullen's boy is going to the circus to-morrow. I guess it will be a fine show,

*Martin*—You went to the circus last year. They are all about alike.

*Ann*—You have to be here to help me, dear. Maybe next year you can go again. There will be plenty of circuses.

*Adolph*—If I had a job I could pay my own way. Gee! I wish I did have a job.

*Martin*—Maybe when school is out you can get a job, if you want one then, but jobs are hard to find when you want them most—I know they are for mechanics, anyhow. (*Turning to Ann*) Mr. Crane told me to-day the shops would not be open for a month, but he promised me a job as soon as they start in to work again.

*Ann*—What is the matter? I thought they were going to open next week.

*Martin*—Well, they are making some repairs; and, then, I guess they have other reasons. Mr. Crane didn't say anything about it except that it would be thirty days before they started in again. (*MARTIN finishes his coffee, carefully wipes his mouth and folds napkin. ADOLPH leaves his seat, goes to stove and taking coal scuttle goes out door right.*) I wish we could let the little fellow go to the circus. Circuses mean a lot to boys.

*Ann*—Never mind! He went last year, and maybe he can see the parade to-morrow—that's almost as good. (*Pauses.*) I hardly know what I would do without him to help—with the baby, and all. The teacher says he's real bright, too. I do want to give him a good education.

*Martin*—Yes! Education is a great thing. It helps a man a lot. I never got much—just reading

and writing and simple arithmetic, and I had to go to work pretty early; but I'm like you—I want the children to get all there is—music, and everything. Especially music for the baby—it is great for girls.

*Ann*—You may not have much book education like they give at schools, but you have your trade, that in a way is education.

*Martin*—Maybe, but it don't help us much now; anyhow, I can't get a job at it. Not until the shops open again. I have been trying all day for something else, but there ain't much else I can do outside my trade.

*Adolph* (*Entering door right with coal scuttle*)—Gee! it's cold out! Bet it is freezing. (*Puts coal scuttle down by stove and stands warming himself.*)

*Ann*—Yes! the winter is here!

*Martin* (*To ADOLPH*)—Better run along to your books now, son. I will look after the fire.

*Adolph* (*To MARTIN*)—All right, dad! (*To ANN and MARTIN*) Good night! I am sleepy, too, so I won't study long. (*Kisses ANN and MARTIN.*)

*Ann*—Good night! Mind, don't make a noise and wake the baby! (*ADOLPH exits door left, closing it behind him.*)

*Martin*—I hardly have the nerve to tell you,—but I guess I have to let you know just how we are fixed.

*Ann*—What is it? You know I always want to share, good or bad.

*Martin*—That's just what makes it so hard—you are so good and willing to do your share,—and mine, too. Well, I had hard luck again to-day.

Can't find a job at anything anywhere, and we are down to our last cent—and turning cold, too, which makes it worse. I gave you the last dollar I had this morning; I have just twenty cents in my pocket and no job in sight for a month yet—not until the shops open. Of course I will keep trying for something, but it don't seem to be in the cards. What are we to do?

*Ann*—I don't know, Martin! but we will manage somehow—there will be a way. I know you are doing your best—you can't be blamed. (*A pause.*) There's Ned Platt! You loaned him some money while his little girl was so sick; maybe he could pay you back now when we need it!

*Martin*—No! Ned's as bad off as we are. He has no job, either, and he spent all he had and all he could borrow on doctors and medicines. You see, I've been out of work for three months now and all we had saved we paid on our house contract. I never thought the shops would be shut down for more than a couple of weeks—that's what they told us—and they keep telling us they will open soon. Mr. Crane told me to-day they would open in thirty days, but what are we going to do till then? How are we going to get by till the shops open?

*Ann*—Of course, we've got to have some money. We can't get any more credit at the grocery—he asked me for what we owe him again to-day. He wasn't mean about it, but lots of people owe him money and he says he can't afford to have so much standing out—I can't ask him to trust us for any more.

*Martin*—I've been thinking how we can get a lit-

tle money—just enough to get by on—and I can only find one way and that I am almost afraid to do.

*Ann*—What is it? We must do something—I might find work somewhere.

*Martin*—No! that won't do. And besides, you would have a hard time finding anything you could do, and then, what you must do first is to look after the baby—who would take care of her? No! I couldn't stand it to have you working to support my family, even if you could get anything.

*Ann*—But it is not your fault that the shops are closed—everybody knows that.

*Martin* (*After a pause gets up from chair and puts some coal on stove*)—How is the coal holding out—got any left?

*Ann*—It's about all gone. We only got a little, you know, and I have to keep a fire most of the time now on account of the cold weather and the baby. (*Baby is heard to cry in next room.*) There! I think I hear her crying now; I will go and see. (*Goes out door left.*)

*Martin* (*To himself*)—It's Hell! (*Gets up and stands with back to stove warming himself.*) I can't help feeling, somehow, it's my fault, though I try hard enough, God knows! (*Pause.*) I guess it's just in the cards.

*Ann* (*Enters door left, carrying baby wrapped in shawl*)—She seems a bit restless; I will hold her out here for a little while. (*Takes rocking chair which MARTIN draws up by stove for her and gently rocks the baby.*)

*Martin*—We are in luck to have such good, healthy children! Think of poor Ned Platt, with

all the sickness he's had as well as being out of work! (*Pause.*) Ann, there is just one thing left for us to do to get a little money to tide us over, and that is to borrow some money on our furniture; (*hesitating*) we could soon pay it off again, after I go back to work, and it is the only thing left we can do.

*Ann (Dismayed)*—That would surely bring us trouble. Look at poor Mrs. Everhart! She borrowed some on her furniture and she lost it. If it had not been for her brother who lives in Missouri, goodness knows what she would have done. He helped her out. (*Pause.*) No! I would never feel easy if we did that.

*Martin*—Well! Maybe there was some reason for Mrs. Everhart's trouble. Perhaps she got in with a dishonest man.

*Ann*—They are all dishonest at heart—these money lenders—going around lending money on poor people's furniture and the like.

*Martin*—I hardly think that is so; and, besides, what else can a poor person do when they are up against it like we are? You can't borrow money without security, especially when you are out of a job; and this furniture is about all we have that we could give as security. Then the law protects us against any tricks—that's what the laws are for. (*Pause.*) I stopped in to see a man to-day who had an ad. in the paper. He seemed like a nice man and said he guessed he could fix us up if we wanted to borrow on our furniture. He says lots of people are borrowing these times.

*Ann*—What was his name? I wonder if he is the same man who lent Mrs. Everhart that time!

*Martin*—Steel! Donald Steel—he has an office in the Trust Building.

*Ann*—That was not the name of the man Mrs. Everhart had trouble with.

*Martin*—Anyhow, it is not his own money he lends—he is only an agent. Wait until you see him—I am sure you will think he is all right; besides, it is the only thing we can do now. I have no place else to turn for help, and we must get enough to get along on till I get work again. Perhaps we can pay him off in a month or two—he makes easy terms—we can pay a little at a time, or all at once; he makes it easy for the borrower—all he wants is the money back and interest. He said he would come out to look at the furniture in the morning and then let us know if he will lend us or not. He seemed real anxious to accommodate us.

*Ann*—Maybe it will be all right, but I don't like the idea—somehow it makes me feel uneasy—but I suppose there is no other way now—we certainly must have some money.

*Martin*—I am sure it will be all right. (*Pause.*) We will both have to sign the papers—that is if he loans us at all.

*Ann*—Yes, I suppose so. How much money will we get?

*Martin*—Oh! I don't know—I hadn't thought of that; not much—we don't want much—just enough to get by on. The less the better.

*Adolph* (*Enters door left clad in night-gown—evidently just awakened from sleep*)—I've had an awful dream—I went to bed and fell asleep, and then the dream woke me up. (*Shivers and advances to MARTIN who takes him up on his lap.*)

*Martin*—This will never do—back to bed with you, young man, never mind about the dream.

*Adolph*—Let me stay out here with you just a few minutes. It was a terrible dream I had.

*Ann*—What was your dream—tell mother?

*Adolph*—I can't exactly tell—only it frightened me. First there was a great crowd of people all running about and then it got dark and when the light came again something of mine—I don't know what—was gone—just like you or father had gone away. I was frightened and cried in my sleep and then I woke up and heard you and father talking and came out here.

*Ann*—Nonsense! We are right here. It must have been the pie you ate for your dessert to-night—it was pretty rich. Come! We have all had a hard day—we will all go to bed. (*ANN gets up with baby and followed by ADOLPH passes out door left. Turns to MARTIN at door.*) You fix the stove and lock up, Martin, I will attend to these youngsters.

*Martin*—All right! I will be in as soon as I have locked up. (*To himself.*) I don't like the idea—this borrowing money—any better than she does. (*Goes to stove and stands looking into it.*) She is so game and good; it makes me feel like I was a failure, but I really don't see how I am to blame—I try hard enough and, God knows, I am not lazy. It is just an opportunity to work I want. (*Fixes dampers in stove.*) Maybe it will be all right—I guess the shops will be open in a month and then I will have a job. (*Turns off lights as curtain descends on end of Scene I.*)

CURTAIN

SCENE II

*Same as Scene I, Act I. The morning following.*  
*ADOLPH is discovered at stove taking up ashes.*

*Martin (Enters from door right with baby in his arms. Looks at clock as it strikes eight.)* Hurry, son, if you want to be in time for your school. Never mind about fixing the fire; your mother says she won't need it this morning—it has turned off so bright and warm.

*Adolph*—I have plenty of time. I only have to take these ashes out. (*He works at stove.*) The boys are going to ask the teacher to let us out this morning to see the circus parade. It goes down' Market Street. I hope he will let us go.

*Martin*—I guess he will. That will be as good as seeing the circus—almost. (*ADOLPH hurries out door right with coal scuttle; MARTIN rocks the baby gently in his arms.*) There! There! just stay asleep a bit longer! Your mother will be here in a minute with your breakfast. Babies like you don't know much about circuses, I guess—or do you! You look mighty wise and knowin' about something.

*Ann (Enters door left)*—Here it is after eight o'clock already. That man will be here any minute now, I suppose, and the house is not near in order yet. Put the baby in her crib and give her this

(exhibiting bottle of milk) while I straighten up.  
(MARTIN takes bottle and exits door left with baby.)

*Martin* (From door)—All right! I'll feed this baby—she is sleepy, too.

*Ann* (Entering door right, to ADOLPH)—Hurry up now, Adolph, or you will be late. (Busies herself tidying up at center table.) Run along and wash your face and hands and brush up—you must be off.

*Adolph*—I have plenty of time. Do you want me to stop and order some coal?—there is only a couple of scuttlefuls left in the bin.

*Ann*—No, dear! your father will see about it. Run along now.

*Adolph*—All right! (Pauses, hesitating.) I hope the teacher will let us out to see the parade. (Pauses, hesitates; ANN looks up at him enquiringly.) May I have ten cents, mother?

*Martin* (Enters door left in time to hear ADOLPH's request.) Here, son! here is a dime. (Reaches in pocket and hands ADOLPH ten cent piece.) Now hustle!

*Adolph* (Putting dime in pocket)—Oh! thanks, father! (Exits door left.)

*Ann*—He didn't need that, Martin! (expostulating)—especially when we are in our fix.

*Martin*—Oh! that little won't make or break us—and I think we will get our money from Mr. Steel. The boy don't have very much to spend and he will want that for peanuts if he goes to the circus parade. (An automobile is heard to stop outside.)

*Ann*—There! that must be that man now!

*Martin—I will go see. (Steps towards door.) You better go in the other room till after I let him in. (A step is heard on steps outside door leading to porch.)*

*Ann—Yes! I want to brush up a bit.*

*Martin (Opens door and speaks to STEEL who is about to ring bell)—Good morning, Mr. Steel! Step in! (Stands aside as STEEL enters.)*

*Steel (Taking off hat and gloves)—Good morning, Mr. Kuhns! It is a real spring-like day!*

*Martin—Yes, and I am glad of it. I don't like the cold weather we have been having.*

*Steel (Turns from hat-rack where he has deposited his hat and gloves)—We will get plenty more cold weather before winter is over, I expect. (Shakes hands with MARTIN.)*

*Ann (Enters door left with baby in arms)—Martin!*

*Martin (Turning to ANN)—Ann, this is Mr. Steel. (Turning to STEEL.) Mr. Steel, this is my wife.*

*Ann—Good morning, Mr. Steel! (Steps forward as though to shake hands but hesitates, moving baby from one arm to other.) Excuse me for not shaking hands, Mr. Steel.*

*Steel (To ANN)—Ah! I see the baby; you have your hands full—no apologies necessary!*

*Ann (To STEEL)—I suppose you wanted to look around? It is early and the house is hardly straightened up yet—you will have to excuse it.*

*STEEL (To ANN)—No apologies! (To both ANN and MARTIN.) I am an early caller. Quite a habit of mine; "early and often"—that is my motto. (Looking around critically.) What a*

charming little home you have here, Mrs. Kuhns!  
Everything so cozy and comfortable!

*Adolph (Entering door left with hair neatly brushed, cap in hand and a number of school books under his arm. He is going impulsively to his mother when he notices STEEL and hesitates, steps backward as though he would retreat, then stands irresolutely in doorway)—Excuse me!*

*Ann (Looking first at ADOLPH, then at STEEL)—Mr. Steel, this is our boy, Adolph!*

*Steel—A fine young man! (To ADOLPH.) Going to the circus to-day, I suppose?*

*Adolph (Still hesitating, bashfully)—No—sir!  
Not to-day.*

*Martin—He is going to the parade, though, if the teacher will let the boys off. (To ADOLPH.) Now hurry along, son, or you will be late.*

*Adolph—All right, dad! I have plenty of time.  
Good-bye, mother; good-bye, dad! (Passes out door leading to porch carefully avoiding STEEL.)*

*Steel—A fine boy! And the baby! Are they your only children, Mrs. Kuhns?*

*Ann—Yes, that is all. (All have been standing; ANN motions STEEL to a chair.) Won't you sit down, Mr. Steel?*

*Steel (To ANN)—No, thank you! (To ANN and MARTIN.) I have but a few moments to stop, so let us look around a little. (To ANN.) A very nice home you have here! (To Martin.) Do you own it or rent it?*

*Martin—We are buying it on installments. We haven't got a title yet, but we have kept up our payments—so far.*

*Steel—Ah! I see! It is certainly nice and cozy.*

A fine thing to own a home. I am a great believer in the home—everyone should own his own home. (*During dialogue STEEL has been looking critically around room.*) Now, if you do not mind, I will make a few memorandums. (*Takes a memo. book and pencil out of pocket.*) Piano!—Flemish oak finish, mission style (*writes in memo. book as he calls off various articles*); nickel-trimmed base-burner; imitation leather covered arm chair—oak; clock—eight-day mantel; settee—

*Ann (To STEEL)*—Excuse me, Mr. Steel! I have some housework to do yet and the baby to look after. (*To MARTIN.*) If you need me, Martin, call me. (*Exits door left.*)

*Martin (To ANN)*—All right! I will call you. (*To STEEL.*) This is all good furniture, Mr. Steel. I paid good prices for it and Mrs. Kuhns is a good housekeeper and careful of everything, so it is in good condition and good as new.

*Steel (Still writing in memo. book)*—It is fair, fair! (*Looks around room.*) But no furniture is new after it once leaves the store no matter what its condition, and second-hand furniture don't bring much these times. (*Pause as STEEL writes.*) Awful profit made on furniture! These furniture people are robbers—robbers! Now, that chair! (*indicating large arm chair*) I suppose they charged you as much as thirty dollars for that chair! eh!

*Martin*—Thirty dollars! yes, indeed, and then some! I paid fifty dollars for it, and the man told me it was cheap at the price—a bargain.

*Steel*—That's just it! They will tell you anything to make a sale. That chair probably cost at most twelve dollars—wholesale.

*Martin*—I don't see how they can make one for that—leather and all.

*Steel*—That is not leather—it is imitation, though I dare say they told you it was genuine. (*Makes some further memoranda in memo. book.*) I am through in this room, may I step into the next one?

*Martin*—Certainly! just step this way. (*Indicates door right.*) This is the dining-room and the kitchen is beyond. (*STEEL exits door right; MARTIN stands in doorway.*)

*Steel* (*From adjoining room*)—Dining-room table—oak; sideboard—oak; set of dishes—

*Martin* (*To himself*)—He seems to be making a complete list. (*To STEEL.*) You may step into the kitchen next, Mr. Steel. My wife is in there. (*MARTIN turns to center table. To himself*) I wonder what he thinks of it! (*Pause.*) He don't value it very high if all his figures are like what he said about this chair (*putting hand on arm chair*).

*Steel* (*Entering door right*)—I guess that will do for those rooms—now the bedrooms.

*Martin*—This way! (*Leads way to door left, which he opens, permitting STEEL to pass through*  
*MARTIN follows.*)

*Ann* (*Enters door right*)—Well, thank goodness! the baby is safe asleep all bundled up on a chair in the kitchen. I wish that man would get through and out of the house. (*Sits down in arm chair at center table.*) I can't get anything done with him here. (*Pause.*) Adolph seemed kind of afraid of him—didn't like him any better than I do, I guess. (*Gets up and goes over by work table and picking up work basket begins to sort out the stockings,*

*etc.)* Every one of these need mending—I don't see how I will ever get it all done. (*Pause.*) I never saw Adolph act so queer with strangers before—he is not usually bashful like that—he acted as if he saw a ghost.

*Steel (Enters door left, MARTIN following)*—Well, that will be about all, Mr. Kuhns. (*Notices ANN.*) A very comfortable home, Mrs. Kuhns! I must congratulate you on your good housekeeping.

*Ann (To STEEL)*—Our home is not very large, but it is big enough to give me plenty to do—the baby takes a lot of time. (*Pause.*) It is comfortable, though.

*Steel (To ANN)*—You have some very nice things here—must be quite fond of them—had them so long, you know.

*Ann (To STEEL)*—Yes, I am fond of them—they are mostly the things we had when we got married; they seem almost like they were human—some of them.

*Steel (To ANN)*—I know how that is. Mrs. Steel has some old pieces she treats as though they were alive, at least had feelings—we have no children. (*Turning to MARTIN*) How much money were you wanting, Mr. Kuhns?

*Martin (To ANN)*—Well, what do you think? (*To STEEL.*) We hadn't fixed on any amount. We just wanted to get enough to kind o' tide over till the shops open—they will be open again in a month, then we figured on paying it off.

*Steel*—Yes! very likely!—I guess there will be no trouble about that. Now, about what amount do you think you can get along on?

*Ann (To MARTIN)*—You know we owe a little, and the baby needs some things—and Adolph. I don't know just what to say.

*Steel*—Could you get along on, say, seventy-five dollars?

*Ann (ANN looks at MARTIN and shakes head in negative)*—I don't know, whatever my husband says.

*Martin (To STEEL)*—Well, I was thinking a hundred and fifty would about see us through, and the furniture is good for it, even if I wasn't going to work again next month—and then we can pay it off. You said yesterday we could pay it off any time!

*Steel (To MARTIN)*—Certainly! We will always take the money—glad to get it these times, but I couldn't go quite as strong as a hundred and fifty. You see I am only the agent for the people who have the money, and my clients are mighty careful these times—of course, you can't blame them, either. I think I could get you a hundred.

*Martin*—Well, if that is the best you can do, I suppose we can get along on a hundred, though it ain't much—the shops will sure be open in a month and then we will be all right, anyhow.

*Steel (To ANN)*—What do you say to that, Mrs. Kuhns?

*Ann (To STEEL)*—Whatever my husband says.

*Steel*—I guess that settles it. I see there is harmony in this household. I am a great believer in harmony in the home. (*Taking some papers from inside pocket.*) I have a blank mortgage here and if you will let me sit down there at your table I will fill it in from my memoranda and we can close

this matter up right now. I have a young man waiting out in the machine who is a notary and he will take your acknowledgments, and then Mr. Kuhns can come down with me to the Court House where I will record the mortgage and then hand him the money.

*Martin (Surprised)*—Do you have to record it?

*Steel (To MARTIN in off-hand manner)*—Merely a matter of form—my clients are particular about the little trifles.

*Martin (To ANN)*—I guess that is all right—it has to be recorded to make it legal. Mr. Steel said it would be all right and fair, and we will depend on him. You get Mr. Steel a pen and ink.

*Steel (As ANN starts to get ink out of table drawer)*—Never mind—I always carry a fountain pen. *(To MARTIN)* It will be all right, Mr. Kuhns, don't worry about it. I will take the money any time it is convenient and my terms are liberal; all I want is my money back and the interest.

*Martin (To STEEL)*—All right! Sit right down at the table and fix it up. We will be more anxious to pay it off than you will be to get the money, I guess—and it will be the first thing we do after I go back to work next month.

*Ann (The baby is heard to cry)*—I hear the baby! Excuse me! *(She starts for door right.)*

*Steel (To ANN)*—Just a minute, Mrs. Kuhns! Your first name is Ann! Any middle name?

*Ann*—No! just Ann. *(ANN hurries out door right.)*

*Steel*—How about you, Mr. Kuhns?

*Martin*—Just Martin Kuhns! *(Spells.)* M-a-r-t-i-n K-u-h-n-s.

*Steel*—That is all. I will have this fixed up in a few minutes, then we can go. (*Spreads chattel mortgage out in front of him and begins to fill it in from memo. book.*)

*Martin*—Excuse me, while you fix that up—maybe I can help my wife. (*Exits door left.*)

*Steel (Meditatively)*—Not a bad bargain (*surveys the room critically*) at a hundred dollars! The shops will not be open for six months—poor boob! (*As STEEL continues writing curtain descends on end of Scene II.*)

CURTAIN

### SCENE III

*Same as Scenes I and II, Act I. Ninety days have elapsed between close of Scene II and opening of Scene III. It is about eight-thirty in the morning. The front door and both windows rear are open—bright morning of early Spring. The screen door leading on to porch is closed. As curtain rises front door bell rings; two men—MILTON BROWN and “JIM” COX—are seen standing on the front porch.*

*Ann (Entering from door left)—I wonder who that can be! (Goes to door.)*

*Milton Brown (To ANN from porch)—Is this where Martin Kuhns lives?*

*Ann—Yes!*

*Milton Brown—Is he at home?*

*Ann—Yes! do you want to see him?*

*Milton Brown—Are you his wife?*

*Ann—Yes! Wait a minute—I will call Mr. Kuhns. (Turns and goes to door left; ADOLPH comes out door left as ANN reaches it with his books under his arm. To ADOLPH) You run along now, dear, you will have just time to get to school. (Kisses ADOLPH.)*

*Adolph—Good-bye, mother! (Goes to door and as he opens screen, BROWN and COX step in and stand just within the threshold.)*

*Cox (To ADOLPH)*—Hello! young man—are you going to school?

*Adolph*—Yes! and I have to hurry, too. Do you want to see father?

*Cox*—Yes! Is he at home?

*Adolph*—He is shaving—he will be here in a minute.

*Ann (Enters door left; sees ADOLPH talking with BROWN and Cox)*—Here, Adolph, you hurry along—it is nearly nine o'clock.

*Adolph*—All right, mother! Good-bye! (Goes out door and down steps.)

*Ann (To BROWN and Cox)*—Mr. Kuhns will be right here. (MARTIN enters door left.)

*Cox (In an undertone to BROWN)*—This is damned mean business—that's what I call it.

*Brown (Same)*—We can only follow orders. Here he is now!

*Martin (Steps up to BROWN and COX—ANN stands beside MILTON)*—Did you want to see me?

*Brown*—Are you Martin Kuhns? (All advance to middle of room.)

*Martin*—Yes! that's my name. What do you want with me?

*Brown (Reaching into pocket and taking out legal document)*—I have a little paper here for you—(hands a writ of replevin to MARTIN)—and for you, too, ma'am—(handing copy of same instrument to ANN). I am a constable and from the Sheriff's office. The Sheriff gave me these to serve.

*Ann (To MARTIN)*—Oh! Martin! What is this? What does it mean?

*Martin (To BROWN and COX)*—What is it?—I don't understand!

*Brown*—That's a writ of replevin on these goods (*indicating furniture*)—this furniture—you can see what it says there in the paper.

*Martin*—But I don't understand. (*Reads laboriously.*)

*Ann* (*Turning to Brown and Cox*)—Oh! what does it mean?—I can't understand it. (*Cox shakes his head and goes over to window and stands with back turned to group looking out.*) What has happened?

*Brown*—Well, I guess your husband and you have been sued on a mortgage on this furniture here, and we have come to get the stuff—unless you can pay the money.

*Martin* (*To Ann*)—This is about the mortgage we gave Mr. Steel, but I don't just understand. This says we are to pay one hundred and fifty dollars and costs. (*Turns to Brown*) We only got one hundred dollars.

*Brown*—We don't know anything about that. All we know is that the Sheriff gave us these papers to serve and told us to get the money or take the stuff. We have a wagon waiting outside.

*Ann*—But surely there is some mistake—Mr. Steel wouldn't send you here to take our furniture.

*Brown*—I guess there is no mistake. You have been sued all right by Donald Steel. That paper calls for one hundred and fifty dollars and the costs—and if you can't pay the money, we will have to take the goods.

*Martin*—But we didn't get one hundred and fifty dollars.

*Brown*—Maybe you can settle that in Court;

you can't settle it here with us except by paying the full amount the writ calls for and the costs.

*Martin*—How much time have we got to fix this up some way?—give me time to see Mr. Steel—I am sure there must be some mistake.

*Brown*—We can't give you any time—we can't wait on you. If you have any fixing to do, do it afterwards with Steel. We want the money or the stuff now.

*Ann*—But we have no money—now; can't you give us a chance?

*Cox* (*Turning to group*)—Perhaps Mr. Kuhns could telephone to Mr. Steel—that wouldn't take long.

*Martin* (*To BROWN*)—I will have to run down to the drug store—can you wait that long?

*Brown* (*Gruffly*)—Go ahead! We can't get it all loaded by the time you get back and if Steel says to lay off, and we get paid for our time and service of the writs, we don't care. It's none of our business.

*Cox* (*As MARTIN gets hat from hat-rack*)—Wait! I think this is Steel coming now in that machine. (*Automobile is heard to stop outside.*)

*Martin* (*Stepping to door and looking out*)—Yes! that's him. I guess it will be all right now.

*Steel* (*Coming up steps; from outside*)—Good morning, Mr. Kuhns! (*Enters door brushing past MARTIN; sees ANN, who has taken seat dejectedly on "lounge."*) Good morning, Mrs. Kuhns!

*Ann*—Good morning, Mr. Steel! (*Baby is heard to cry in adjoining room.*) My! there is the baby—I thought she was asleep. (*Exits door left.*)

*Martin*—Well, Mr. Steel, what does this mean? (*Holding out writ.*) I never heard anything about this till these two men came a few minutes ago.

*Steel (Rather gruffly)*—You can read, can't you?

*Martin*—Yes, but—

*Steel (Interrupting)*—Well, read it! It is plain enough.

*Martin*—But I have read it, and I don't understand—

*Steel (Interrupting)*—It simply means that you have not paid your notes nor the interest, and we have had to sue you under the terms of our chattel mortgage. Now, we want the money, or we will have to take the goods.

*Martin*—But we can't pay it just now—you know that. You know how hard it has been for me—I went and told you last month—and how the shops hadn't opened yet. But I will pay it—just give me a little more time—that is all I ask.

*Steel*—You have had time enough, Mr. Kuhns, and now we want the money or the goods.

*Martin*—But, Mr. Steel—

*Steel (Interrupting)*—I don't want to hear any excuses or idle promises—I hear enough of them.

*Martin*—I don't believe the law will let you do anything like this—you can't take our furniture like this! Why this list (*reading from writ*) takes everything—even our beds—why, even the baby's crib! (*ANN enters from door left with baby in her arms in time to hear MARTIN's statement. She stands in doorway.*)

*Steel (Gruffly)*—Can't we, though! You just watch us! Read that paper in your hand—there is a copy of the mortgage in it—and you will see that

we have the right to take the goods at any time when either principal or interest are behind. It is the regular, ordinary, legal form of chattel mortgage. You have not paid me a cent of interest or principal for two months.

*Martin*—But this says a hundred and fifty dollars. You only gave us a hundred. You remember, we wanted a hundred and fifty, but you said a hundred was all you would lend. Why! these goods are worth ten times the amount.

*Steel*—We won't argue about that—read what the mortgage says, it is perfectly plain. You forget my commission, bonus, the cost of making out the papers, recording, notary's fees and all that.

*Ann* (*From doorway where she has been listening*)—Give us a little time, Mr. Steel. We will pay it somehow.

*Steel*—You had better let your husband attend to this, Mrs. Kuhns—I do not care to deal with women.

*Martin*—You seemed willing enough when you had her sign the mortgage.

*Cox* (*To BROWN in undertone*)—This is damned mean business—that's what I call it.

*Brown* (*Same—to COX*)—What is it to us! Let them fight it out; we are here to do our duty according to law, not to "butt in."

*Steel* (*To MARTIN*)—I won't argue with you—I have wasted enough time on you as it is. *To constables.*) Here! move this room first!

*Ann* (*To BROWN and COX*)—Surely, you won't take our furniture!

*Brown*—The law's the law—we can't help it.

*Cox* (*To ANN*)—I don't like this myself, ma'am,

but I guess we can't do anything for you. (*Both BROWN and COX turn and begin to move ornaments from top of piano.*)

Steel (*To constables*)—Now, be careful! Don't scratch any of this stuff.

Martin (*Who has been standing with bowed head, suddenly straightens up and steps quickly to the door*)—Not by a damned sight! You don't move a stick of this stuff. You may be in your right—it may be lawful, but it is not fair—it is not honest—it is not right. (*BROWN and COX pause in their work and turn to STEEL for directions.*)

Steel (*To constables*)—Come on here! I haven't all day to spend at this.

Martin (*Stepping between piano and door*)—Drop that, I say. Not a stick! (*BROWN and COX drop their hold on piano which they have started to move.*) I will settle this with this man here. (*Indicating STEEL.*)

Ann (*To MARTIN*)—Oh! Martin, don't! We have trouble enough now!

Martin (*To ANN*)—This is my business. You had better take the baby and step into the other room. (*BROWN and COX again pause in their work, and again turn to STEEL for instructions.*)

Steel (*Losing temper and speaking angrily*)—If you two boobs are afraid of this dead beat, I am not. I've seen his kind before. (*Starts to enter house from porch.*)

Martin (*Pushing STEEL forcibly back on porch*)—Don't put your dirty carcass inside this house—you miserable skunk! (*ANN gasps, very much frightened, and clasping the baby closely to her breast, hurries out through door right.*)

*Brown (Starting toward MARTIN as though to interfere)—Hold on there!—none of the rough stuff—*

*Cox (Taking BROWN by arm and detaining him)—Let 'em alone—this is not our funeral. Steel's got it coming to him.*

*Steel (Trying to force his way past MARTIN)—Here, you constables! Arrest this lunatic! (Makes another vigorous effort to pass MARTIN. BROWN tears loose from COX and starts to STEEL's assistance, or to make arrest.)*

*Martin (Steps back a step and strikes STEEL with full force with fist on jaw)—You will, will you! (STEEL staggers and falls backwards down the steps of front porch out of the range of vision of those within the room. ANN, who with the baby still in her arms, has returned and is watching from doorway left, screams and crossing unsteadily to the "lounge" sinks down on it. BROWN and COX both rush out door and down steps. MARTIN stands just outside door on porch looking down where STEEL has fallen.)*

*Brown (From outside)—He's knocked clean out! Here, help me turn him over on his back. (Pause.) Get some water!*

*Cox (Hurrying up steps)—That was an awful wallop! Where's some water?*

*Martin (To COX)—I'll get some. (Turns toward door right and sees ANN on "lounge." He pauses and stoops down to ANN, raises her up gently and leads her out door right. To ANN)—Come with me—I am afraid I hurt him pretty bad.*

*Brown (From outside)—Come here a minute, "Jim." (Cox goes out and down steps. MARTIN*

*enters door right and crosses to porch door with a glass of water in his hand. Just as MARTIN reaches door BROWN comes in and taking glass from MARTIN puts it on piano. To MARTIN) Come! help me carry him in and put him on the "lounge."*

*Martin*—Is he bad hurt?

*Brown*—I don't know how bad—pretty bad, I guess; I've sent "Jim" for a doctor. We will put him on the "lounge" till the doctor comes. It looks bad—you better stay right here with me, till we see what the doctor says. He struck his head when he fell—and he is unconscious. It looks bad—I would not be in your boots! (*BROWN and MARTIN go out and down steps while ANN appears at door right and watches them, the baby clasped closely to her breast, as curtain descends on end of Scene III, Act I.*)

CURTAIN

## ACT II

### SCENE I

*A Court Room—Criminal Division of Superior Court of Cosmos County. The walls are wainscotted to a height of seven feet in mahogany, balance of walls in dark green with decorations in gold. About the center and against the left wall stands the Judge's Bench—elevated about three feet above floor. This bench is also of mahogany, about eight feet long by six feet deep—permitting of space for desk and chair—the desk is a large, flat top mahogany desk with high-backed, leather-covered chair to match. The desk and chair are so placed as to face the right wall. Next to the Judge's Bench and adjoining it in front are three steps for the passage of the Judge and also for witnesses who use them upon entering the witness box which is to the front of the Judge's Bench with large leather-covered chair facing right wall. The Judge's Bench is elevated one step higher than the witness box.*

*Behind the Judge's Bench and extending all the way to the ceiling are a pair of heavy, red plush curtains; they cover a space on the wall the same width as the Bench. At the top of these curtains is fastened an emblem, or shield, upon*

*which appear the words: "Law—Equity—Justice—Liberty."*

*In front and under the bench are two desks—one a mahogany, roll-top office desk, which is at far end facing right wall, together with a mahogany swivel office chair to match; the other, a flat-top mahogany desk, stands in front and a little to the left of witness box so arranged that it faces the front of stage. The former is the Clerk's desk, the latter the Court Reporter's desk.*

*In front of the Clerk's and Reporter's desks with little space between, stands a long, handsomely carved mahogany table with a number of straight-back mahogany chairs arranged on one side of it facing Judge's Bench—this is the table reserved for Attorneys.*

*On the Judge's Bench, held between heavy bronze book ends, are a number of law books, also a silver tray upon which are a cut glass pitcher and drinking glass. There are also a number of law books on the Attorneys' table—also tray with water pitcher and several drinking glasses. In addition the Attorney's table is well provided with writing materials—tablets of yellow paper, ink stands, pens, pencils, etc.*

*Behind, or to the right of, Attorneys' table stand a row of straight back mahogany chairs with space between table and chairs sufficient to admit of convenient passage. These are provided for Court Attachés, witnesses, etc. They stand with their backs to a railing which runs across the stage from front to back, dividing it at center. In this railing are two gates—one*

at front of stage, one well toward back wall—leading onto two passages which extend from right to left which in turn lead into wide passage that extends along right wall entire depth of stage. At end of front passage against right wall is door leading to "official" entrance; at end of rear passage is similar door, only double and of heavy mahogany, which is the public entrance to the Court Room. Between the right wall passage and railing and facing the Judge's Bench are seats for the "audience."

There are two double windows in back wall with green shades pulled half-way down—the windows look out onto the roofs of adjoining buildings—a dismal prospect. The balance of walls are hung with prints and etchings in heavy frames—Washington Monument, Statue of Liberty, Government Buildings, and large picture of Justices of Supreme Court of the United States are among them.

In front of Witness Box and so arranged that they face both Attorneys' table and front of stage, are placed diagonally twelve straight back mahogany chairs—the Jury Box, behind which against left wall—with ample room for action between Jury Box and wall—are hung pair of heavy purple plush curtains extending from floor to ceiling.

Between Judge's Bench and back wall are two mahogany doors leading off left—over one are the words: "Chambers," over the other, "Clerk."

Behind the Attorneys' table and a little apart from it is another and smaller mahogany table—the

*Newspaper Reporters' table.* This is also provided with writing materials, *cuspidors* beside it, etc.

As curtain rises are discovered a number of *Attorneys*, *Newspaper Reporters*, *Court Attachés*, *Woman Magazine Writer* and a *clergyman* loitering about between *Judge's Bench* and *railing*—gossiping. A *Newspaper Reporter* is seated in the *Judge's Chair*.

*A Newspaper Reporter (Looking at watch)*—It is getting late! (To *CLERK*) What time will you open the doors to feed the animals?

*Clerk (Who sits at desk writing)*—This show was advertised for nine-thirty. (*Looking at watch.*) It is that time now.

*Another Newspaper Reporter*—Some crowd today! Who says tragedy no longer attracts! Just listen to the mob! (*All listen. A noise as of the shuffling of many feet is heard outside main entrance door; muffled voices and laughter are also heard. Now and then the crowd outside the door push up against it until it shakes.*)

*Woman Magazine Writer*—You can always depend on a crowd when they don't have to pay! It beats the "movies."

*A Clergyman*—No doubt they come to lend their moral support to the proceedings!

*Court Reporter*—Morbidness! Morbid curiosity! It is always so, especially in murder and divorce trials.

*Another Newspaper Reporter*—The big crowd always gathers at the dangerous curve! Put a man's

neck in jeopardy, and, while they know they cannot gratify their taste to the extent of actually seeing it stretched, they hope for something of the sort. They go to the auto races not, in fact, to see an exhibition of speed, skill or endurance, but in the hope of seeing somebody mangled. It is the hope of the horrible that lures!

*A BAILIFF enters at the "official" entrance and taking a heavy bunch of keys out of his pocket walks briskly down the aisle leading to main entrance and inserts large key in keyhole of main entrance door. Increased and prolonged scuffling and talking are heard. As BAILIFF opens door the crowd surges against it, pushing it open a matter of two feet—he is obliged to use all his strength to keep the crowd back. Through the opening thus temporarily effected, slips the SPIRIT OF VULGARITY unnoticed and passes up to center of stage where he pauses, and with face turned slightly toward main entrance and holding his head quizzically on one side, he holds elbow of right arm in the palm of left hand with his chin resting on thumb and forefinger of right hand. He smiles cynically and amusedly at the crowd surging against the doors.*

Bailiff (*To crowd*)—Here! Here! None of that—no crowding! You can all find seats. Cut out that rough stuff now, or I will lock the doors on you.

*Spirit of Vulgarity*—It is to make a hoodlum holiday! (*Crowd enter noisily as BAILIFF opens the doors, shoving and jostling each other good-na-*

*turely. It is a motley gathering composed of men, women, young women and clergymen—persons from all walks of life and of all ages.)*

*Bailiff—That is better! (Some women are about to enter behind railing to space reserved for Attorneys, etc.) Just a minute, please! No one is allowed inside the railing without a permit from the Judge. (Women retreat and find seats in space reserved for audience.)*

*A Woman (To woman next to her)—Do you suppose we can hear from these seats?*

*The Woman—We can hear all right, I guess, but can we see him? The “Criminal” sits at that long table in front of the railing.*

*Spirit of Vulgarity—What a pity hangings are no longer public! The trial is so much like the appetizer before dinner—without the dinner. (To crowd.) Behold, my friends! The stage is set, the hour is at hand! The actors, each one adorned to play his special rôle, await without their queues—(Looks at door “Chambers.”) See! the stage director, clothed in his authority, takes charge! (The JUDGE in robes gathered about his shoulders gravely enters through door “Chambers” as all eyes are turned in his direction and follow his movements as he ascends the steps leading to Judge’s Bench and takes his seat. The CLERK raps for order.)*

*The Clerk (Calling in sing-song voice)—Hear ye! Hear ye! Hear ye! The Superior Court—Criminal Division—of Cosmos County is now in session! (Takes seat at desk and continues to turn over papers and write in a large book.)*

*Spirit of Dignity (Steps from between red plush curtains on to the Judge’s Bench and takes position*

*directly behind the JUDGE, who is reading the Calendar. To JUDGE)* My worthy protégé, see to it, pray, that you well uphold this day—tradition! Am I not a most becoming aid to your most honorable calling? Remember well that through your august person the majesty of law and State doth function!

*Spirit of Vulgarity (To crowd)*—What a handsome man! How learned he must be! Do you suppose he hath read all those sombre tomes reposing on his desk! How noble and how dignified he seems, yet I have heard it said that in the bosom of his favorite club he is, in truth, a jolly dog! He laughs most boisterously at ribald jests when cups go 'round—but here! Here he is another man—and scarcely human. Observe how Dignity doth clothe him and hold him set apart from all the rest!

*The District Attorney, JOEL FORD, enters from door marked "Clerk" and at the same time LUTHER SMALL—the Attorney for Defense—enters with a number of law books under his arm by main entrance. Both go directly and briskly to Attorneys' table, depositing books on it and nodding friendly greetings to each other and to Court Attachés. The SPIRIT OF AMBITION enters with FORD, arm in arm, while the SPIRIT OF AVARICE does a like service for SMALL.*

*Spirit of Ambition (To FORD)*—Remember our rehearsal and the private counsels had between us two! Now is the appointed time; let no detail, trivial though it may appear, escape you. I keep my word and fulfil my promises, but, mark you! only those who warm and nurture me may look upon

achievement. Men in public life are weighed by outward seeming—duty as prescribed in books is secondary. You swore to bend your nerve to see but even-handed Justice done to all alike. Out with such chatter! You will be weighed and judged solely by convictions had. Conviction spells success; acquittal, failure. The public soon forget the facts; the State calls for revenge. But use me as your spur and success awaits.

*Spirit of Avarice (To SMALL)—*To be sure the conduct of this cause doth profit little in the way of ready cash, but rich it is in advertising value gained. 'Twas a lucky day for you when one so young and so unpracticed in the law had this opportunity upon you thrust by reason of your "criminal's" adversity. You owe much gratitude unto the Honorable Court. Should this case well proceed, though your client should be guilty found, other cases lucrative will follow. You had priceless advertising space to-day—your likeness in the morning's Press—'tis a pity that the picture made you look so young!

*Judge (Reading from calendar)—*The State *versus* Martin Kuhns!

*Ford—*Ready, your Honor!

*Small—*If your Honor please! The crim—*(catching himself)* I mean my client is not yet present.

*Two deputy sheriffs enter through door right forward with MARTIN between them. They pass down aisle between rows of seats where crowd is watching them and through the gate into the space reserved for Attorneys, etc. MARTIN greets SMALL and takes seat beside him.*

*Spirit of Vulgarity*—There is the “Criminal” now! No danger from him now, my friends—he is closely guarded by two stalwart officers of law. He looks pale and nervous. No wonder! His wife will soon be here to join him in the docks. He has a youngish boy and baby girl—sorrow, or pity rather, are most tearfully expressed for them by everyone. Ah! Here comes the wife! (ANN and ADOLPH, accompanied by MRS. EVERHART, enter at main entrance and pass down aisle and through gate. A Deputy escorts them to a seat directly behind the one occupied by MARTIN. ANN leans forward and whispers to MARTIN who looks around and nods confidently to ADOLPH and MRS. EVERHART.) They always have the faithful wife and child! It is part of the stage setting—she should have brought the baby.

*Newspaper Photographer* (To COURT ATTACHÉ) Ask that fat man in the front row to move a little—I want to get a picture of the faithful wife. (A pause as fat man is moved and Photographer adjusts his camera.) Ah! (takes flashlight. Several persons in audience seem startled and exclaim.)

*Spirit of Vulgarity*—I hope, my worthy friends, you will all be in it so you may see your pictures in the evening prints. The cleric there (indicating the clergymen) will be present in the foreground—no trial would be complete without the clergy present.

*Judge* (Carefully wiping pair of gold-rimmed spectacles)—Gentlemen, I think we may proceed. (Turns to BAILIFF.) You may bring in the jury. (THE SPIRIT OF LEARNING pushes his head from between red plush curtains and surveys the room.

*He steps cautiously out upon the JUDGE'S Bench and looks quizzically at FORD and SMALL; he then bends his gaze lingeringly upon the JUDGE, glances hastily at the SPIRIT OF DIGNITY, who stands behind the JUDGE and close to him, and then quickly withdraws behind the curtains.)*

*Spirit of Dignity (To JUDGE)*—A goodly audience indeed! I see nobility attends as well as those from humble ranks. The parson and the prostitute; the mechanic in his store-bought clothes, the fashionable fop; Society's elect among the ladies fair and shop girls quite as fair but not so fortunate; the school-girl still within her teens, the spinster on the ragged edge; the banker and the man who keeps a shop. High and low, great and small, rich and poor—all, all observe you!

*Judge (To crowd)*—It has long been the practice of this Court when causes such as the one we are about to try—cases attracting wide public attention—are before us to insist upon perfect order in the Court room. While this is a public hearing, you will please bear in mind that this is a Court of Law and not a place of entertainment, and therefore refrain from giving expression in any form to your emotions. Any untoward demonstrations will be promptly reprimanded by the Court, and the Bailiff will see to it that the Court's order is strictly observed.

*Spirit of Dignity (To JUDGE)*—I think that has impressed them.

*Spirit of Vulgarity (To crowd)*—Be circumspect or you will be dismissed and curiosity remain ungratified.

BAILIFF enters door right forward and stands aside while the jury files in and pass down aisle to jury box. As the jury takes seats there appear silently, one at a time, from behind the purple curtains back of the jury box the SPIRITS OF WEALTH, FEAR OF POVERTY, IGNORANCE, PRECEDENT, HUMILITY, GREED, HATRED, REVENGE, PRIDE, and all stand behind jury. The SPIRIT OF LEARNING last of all steps out from behind purple curtains and walking around in front of jury leisurely and quizzically surveys each one, then slowly retires, shaking his head negatively, up steps of witness stand and withdraws between red plush curtains behind JUDGE'S Bench.)

*Spirit of Greed (To jurors and other Spirits)—*  
I see several persons present here who are indebted to us. Even the Honorable Judge with all his Dignity has not paid the last quarter's interest owing and past due our friend the Banker. (*Indicating Banker Juror.*)

*Spirit of Vulgarity (Directing attention of crowd to jury)—*A Jury of his peers! Indeed most worthy to sit in judgment upon the acts of other men! The Grocer there doth earn a livelihood through tinkering with weights and scales; the Merchant doth maintain a large establishment by trimming down the wages of his girls to such a point that self-respecting means of life are past things possible; the Broker is a "go-between"—racing against time—his profits based upon another's loss; our elderly retired business man has gained his wealth in ways too devious to mention, but he is safe at last

and sits behind a rent-roll large enough to make him quite respectable, while ever and anon it doth increase by reason of the activity of others who labor that they may pay rent. The Plumber eats on other persons' time; the Farmer is an honest man, forsooth, because, together with his family, he doth attend the Church each Sabbath day; the Banker, rich beyond all fear of want or stern necessity, continues to grow fat on other persons' funds—and so it goes! Indeed, a worthy crew to pass upon the acts of others.

*Judge (To FORD)—Mr. District Attorney, you may proceed!*

*Spirit of Ambition (To FORD)—First impressions count! Your examination of the jurors yesterday may have left some ruffled fronts. Be conciliatory and urbane—above all, be forceful.*

*Ford (Bows first to JUDGE, then to the jury)—Your Honor!—Gentlemen of the Jury! We are here to perform a grave and, perhaps, a stern duty. I swore to do my duty when I took the oath of office of District Attorney of Cosmos County; you swore to perform your duty fairly and impartially when you were sworn as jurors.*

A crime, we allege, has been committed. The State has gathered evidence to substantiate that allegation—convincing evidence, we believe—which it will be my duty to place before you. From the evidence we will produce, and from the surrounding circumstances, we propose to prove conclusively several things. First, and among others, that Donald Steel was murdered—wilfully murdered—on the morning of January twenty-second, last, at the residence of the defendant, Martin Kuhns, by a blow

sufficient to produce death delivered to the chin of Donald Steel by defendant deliberately, premeditatedly and wilfully, causing instant death. (*Pauses and takes a drink of water.*)

*Spirit of Vulgarity* (*To crowd*)—See how pale the “Criminal” is; observe his twitching nerves; note how he fumbles with his handkerchief!

*Ford* (*Continuing*)—I do not propose to give you at this juncture more than a very brief outline of our purpose.

*Spirit of Ambition* (*To FORD*)—’Tis well!

*Ford* (*Continuing*)—We will produce creditable witnesses who were present in pursuance of their duties at the time this act was committed, by whom we will prove that the defendant provoked a quarrel with Donald Steel resulting in the murder. We will show that there is every reason to believe that Kuhns, the defendant, entertained unfriendly sentiments toward the victim of his crime prior to the open quarrel. We will prove by expert testimony that the blow struck by Kuhns was sufficient to cause instant death without any other agency than the blow itself. We will show a motive for the crime engendered through the fear of pecuniary loss, and prove by creditable witnesses that threats of violence were made by defendant against Donald Steel prior to the commission of the act that caused Donald Steel’s death. (*Pauses and takes a drink of water.*)

*Spirit of Vulgarity* (*To crowd*)—The wife weeps! (*ANN is observed shaken with sobs.*)

*Ford* (*Continuing*)—It will be my duty, gentlemen of the Jury, to prove these things to you—to place the proof before you in such a light that the

facts will stand out plainly to your view. The Court will instruct you as to the law and it will then be your duty—your solemn duty—to find a verdict of guilty or acquittal in accordance with the facts proven, the law—and your conscience. (FORD here *wipes his forehead with a large silk handkerchief, bowing to the jury, and takes his seat.*)

*Spirit of Revenge* (To Jury)—An eye for an eye, a tooth for a tooth!

*Spirit of Pride* (To Jury)—It is something to sit on a case of as widespread importance and interest as is this.

*Spirit of Fear of Poverty* (To Jury)—Donald Steel was rich.

*Judge* (Bowing to SMALL)—Do you desire to address the jury at this time, Mr. Small?

*Small* (To JUDGE)—I do, your Honor!—very briefly.

(*Door at right forward opens very slowly and the SPIRIT OF JUSTICE enters. She is lame and walks with apparent effort and as though in pain. She comes a few paces within the room and there stands erect, pushes the bandage back upon her forehead in an effort to see, and apparently surveys the Court Room and persons in it generally.*)

*Spirit of Justice* (To herself)—Is this the hall? (Her eyes seem to rest upon the JUDGE and on the emblem "Law—Equity—etc.", at top of red plush curtains.) The trappings and the signs would seem to indicate as much! (The JUDGE raises his eyes which seem to rest upon the figure of JUSTICE.) Though I somehow feel an alien here, the honorable and fair-minded judge doth seem to beckon me—at

least his mien and attitude lend semblance to Justinian's Court. (*Slowly, limping, the SPIRIT OF JUSTICE gropes her way down the aisle, passes through the gate and moves up to the steps leading to the JUDGE's Bench, where she pauses uncertainly while she surveys the JUDGE and the SPIRIT of DIGNITY which continues to stand at the JUDGE's side.*) Some strangers here! What a draught—it chills me through. (*She draws her robes more closely about her and still groping her way finds a seat directly behind MARTIN and close to ANN.*) I may find some comfort here!

*Small (Turns to Jury)—Your Honor! (Bows to the JUDGE.) Gentlemen of the Jury! (Bows to the jury. Pulls down cuffs—takes out large silk handkerchief and wipes his forehead nervously.)*

*Spirit of Avarice (To SMALL)—There are some men of influence on the jury—all potential clients. See! the Banker is already weighing you in his mind. He has eyes like a gimlet!*

*Small (Coughs)—Gentlemen of the Jury!*

*Spirit of Vulgarity—(To crowd)—Just listen! How he falters—his maiden case, they say. The cleric looks disgust.*

*Small—Gentlemen of the Jury! You have heard what the District Attorney has to say. (Hesitates—embarrassed.) He has merely told you what he expects, or I should say, hopes to prove—for I can scarcely believe he really expects to prove his case. He has also told you at some length what he conceives to be his duty—and yours. (Pauses.)*

*Spirit of Wealth (To Banker Juror)—I think we have seen this young man before, but place him*

not. An upstart—not yet even started up! No money, no influence nor standing. The “Criminal” had no means wherewith to buy ability.

*Small (Continuing)*—I, too, have a duty to perform—a duty first to my client—

*Spirit of Avarice (To SMALL)*—Forget not yourself, my friend, if friend of mine you be.

*Small (Continuing)*—And a duty to you, gentlemen of the Jury. (*Pauses and looks at the JUDGE as though for encouragement.*)

*Spirit of Vulgarity (To crowd)*—Behold, the fledgling stretch his downy wings! He will not soar very high. More able counsel for defense would make a better joust—more spirited.—He hesitates! He speaks!

*Small (Continuing)*—I, too, will produce evidence which I feel confident will prove the innocence of my client of the crime as charged, quite refuting the evidence the State will introduce. We are prepared to show that the alleged blow was not in itself sufficient to produce death, but that the deceased struck his head in falling down a flight of steps—dying as a result of the fall and not of a blow. We will show, gentlemen of the Jury, that there was no ill feeling between the defendant and Donald Steel prior to the twenty-second day of January last, and that there was no premeditation of the alleged crime. In short, we intend to prove to your satisfaction that the death of Donald Steel was due to accident. (*Pauses.*) As this trial may occupy some time—

*Spirit of Wealth (To Jurors and other Spirits)* I hope not—I have wasted too much time on this balderdash already!

*Small (Continuing)*—I will not now weary you with a long harangue. That you will do your duty I am convinced; that you will acquit my client I am confident. (*Wipes his face with handkerchief and takes seat.*)

*Spirit of Justice (Rising and turning her face to Jury)*—An idle wind doth blow across my cheek!

*Spirit of Vulgarity (To crowd)*—Here we see two horns of an Irish bull. Both speak with some degree of confidence, yet one is wrong and other right. The young man, Small, is handicapped by youth, but that should gain him sympathy; Ford is an old-timer and practiced in the arts of obfuscation—and brazen as a Church bell. They say he has his eye on a seat in the Senate.

*Ford (To BAILIFF)*—Call Milton Brown!

*Bailiff*—Milton Brown! step forward! (*BROWN rises from seat against railing and steps briskly and confidently up to witness box.*)

*Judge (To BROWN)*—Be sworn! (*To CLERK*)  
Mr. Clerk, swear the witness.

*Clerk (To BROWN, who raises his right hand above his head)*—What is your name?

*Brown*—Milton Brown!

*Clerk*—Where do you live?

*Brown*—At 4536 Palm Street, this city.

*Spirit of Vulgarity (To crowd)*—The chief witness for the State! A constable by calling—in sooth a minion of the law!

*Clerk (Very rapidly and in sing-song tone of voice)*—Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God!

*Brown*—I do!

*Spirit of Dignity*—The oath doth bend itself to my affairs!

*Ford (To BROWN)*—Take the witness chair. (*Brown sits down easily and crosses his legs.*) What is your occupation at the present time, Mr. Brown?

*Brown*—I'm a constable, and a deputy in the Sheriff's office. (*SPIRITS OF FEAR OF POVERTY and of IGNORANCE step up on the witness stand and station themselves one on each side of BROWN.*)

*Spirit of Fear of Poverty (To BROWN)*—Ford has influence among the politicians and the rich! He is a good fellow, too. Do not forget he helped you to your job and by a word could send you packing.

*Spirit of Ignorance (To BROWN)*—Ford knows the law and all its intricacies—he is a learned man. (*The SPIRIT OF LEARNING pushes his head quickly from between the red plush curtains—and as quickly withdraws it.*)

*Ford (To BROWN)*—Were you in the employ of the Sheriff's office on the morning of January twenty-second last?

*Brown*—I was (*hesitates*)—let's see! yes, I was at that time.

*Spirit of Ambition (To FORD)*—If he answers not to your liking, a word from you will cost him his snug berth—and he knows it.

*Judge (To BROWN)*—Address your replies to the Jury, Mr. Brown!

*Ford (To BROWN)*—Where were you on the morning of January twenty-second last?

*Spirit of Vulgarity (To crowd)*—It is growing

interesting at last—we will now hear something—listen!

*Brown*—I was at Mr. Kuhn's house—(*pointing to MARTIN*)—that man's.

*Ford*—What were you doing, and what took place at Martin Kuhn's house on the morning of January twenty-second, this year?—just tell the Jury in your own way.

*Small (To JUDGE)*—I wish to enter an objection!

*Judge (To SMALL)*—Overruled. (*To BROWN*) You may answer, Mr. Brown.

*Brown*—Well, you see, me and Jim Cox went out there to serve a writ.

*Small (To JUDGE)*—I wish to move that the answer be stricken out—

*Ford (Impatiently)*—I will consent that the answer be stricken out. (*To BROWN.*) Now, Mr. Brown, just tell why you went out to Martin Kuhn's house on that morning and what happened—never mind about Jim Cox just now.

*Brown*—I went out there to serve a paper—a writ of replevin—on Martin Kuhns.

*Ford (To BROWN)*—Do you know James—“Jim”—Cox?

*Brown*—Yes!

*Ford*—Who told you to go out to Kuhns' house to serve this writ you speak of?

*Brown*—The Sheriff—that is, the clerk in the Sheriff's office.

*Ford*—Did you serve it?

*Brown*—Yes! I served it on Martin Kuhns—and a copy on his wife.

*Ford*—You said a moment ago that you knew “Jim” Cox! Do you know if Jim Cox is, or was, also in the employ of the Sheriff’s office on January twenty-second last?

*Brown*—Yes, that was his first job.

*Ford*—Was Mr. Cox with you on the morning you speak of?

*Brown*—Yes!

*Ford* (*Impressively*)—Tell the Jury, Mr. Brown, what happened when you served the writ —what did Martin Kuhns, the defendant in this case, do and say?

*Spirit of Fear of Poverty* (*To BROWN*)—A most important question! You know well what answer is expected. Remember Ford’s influence—think of your job.

*Brown*—Kuhns was mad—he said he would not let us take the furniture.

*Spirit of Justice* (*SPIRIT OF JUSTICE moves uneasily in her seat; she rises, sighing heavily*)—Truth should be here to aid—without Truth Justice comes but tardily.

*Ford* (*To BROWN*)—You say “Kuhns would not let ‘us’ take the furniture”; who do you mean by “us”?

*Small* (*To JUDGE*)—I object, your Honor, both to the question and answer—nothing has been shown regarding any furniture.

*Judge*—Objection sustained.

*A Newspaper Reporter* (*To ANOTHER NEWSPAPER REPORTER*)—That is not what he told me when I interviewed him just after the murder.

*Another Newspaper Reporter* (*To A NEWSPAPER REPORTER*)—His side-kicker, Cox, told me

Kuhns seemed dazed—like a man in a trance—and did not get mad or show signs of fight until after Steel got there. We might make witnesses for the defense.

*A Newspaper Reporter* (*To ANOTHER NEWSPAPER REPORTER*)—Not for me! I don't want to mix up in this business. I might tell a lot, but I doubt if it would be admissible and, besides, Ford has always treated me mighty decently.

*Another Newspaper Reporter* (*To A NEWSPAPER REPORTER*)—Me, too, but then if we knew anything that might be used by the defense in rebuttal, maybe—

*Ford* (*To BROWN*)—Who did you see that morning at Kuhns' house beside Kuhns and his wife, if anybody.

*Brown*—I saw their boy (*pointing to ADOLPH*)—that boy sitting there—and later Mr. Steel.

*Ford* (*To BROWN*)—Donald Steel?

*Brown*—Yes!

*Ford* (*To BROWN*)—What was the nature of the writ you served that morning on Martin Kuhns and his wife, if you know?

*Brown*—A writ of Replevin under the foreclosure of a chattel mortgage on household furniture.

*Ford*—You said, Mr. Brown, that Kuhns seemed mad. How did you come to that conclusion?

*Small*—I object, your Honor! I object to the witness drawing conclusions.

*Spirit of Hate* (*To Jury and other Spirits*)—Why all these objections? They are tiresome and delay proceedings. Let's hang the "Criminal" and be done with it.

*Judge* (*To SMALL*)—The witness may, I think,

state what the defendant did and said which led him to the conclusion regarding the defendant's state of mind. (*To BROWN.*) Mr. Brown, you may tell what the defendant did or said that caused you to conclude that he was mad—angry.

*Brown*—Please repeat the question.

*Judge (To COURT REPORTER)*—Mr. Reporter, read the question.

*Court Reporter (Reading)*—You said, Mr. Brown, that Kuhns seemed mad. How did you come to that conclusion?

*Brown*—From the way he looked and what he said.

*Small (To COURT and WITNESS, appealingly)*—I still object, your Honor! He has not answered the question in the manner you said he might answer it.

*Ford (To JUDGE and SMALL)*—If you will be patient, Mr. Small, I will see that the question is answered specifically in a few moments, if your Honor will permit the witness to proceed.

*Judge (To BROWN)*—Make your answers precise, Mr. Brown. (*To FORD.*) You may proceed.

*Ford (To BROWN)*—Was Jim Cox with you at the time you served the papers—the writ?

*Brown*—Yes, he was right there all the time.

*Ford (To BROWN)*—Was anybody else there?

*Brown*—Mrs. Kuhns was there most of the time and Steel came after we had been there a little while.

*Ford (To BROWN)*—What time in the morning was it?

*Brown*—About eight-thirty.

*Ford (To BROWN)*—Then what happened after Mr. Steel got there?

*Spirit of Fear of Poverty (To BROWN)*—Another important question! The reporter is writing it all down—be cautious!—See how closely Ford regards you!

*Small (To JUDGE)*—I object, your Honor!—No proper foundation laid.

*Spirit of Revenge (To Jury)*—It is evident the defense is striving to keep out the salient facts. The District Attorney knows. An eye for an eye, a tooth—

*Judge*—Objection overruled.

*Ford (To BROWN)*—You may answer the question, Mr. Brown.

*Brown*—Kuhns and Mr. Steel had an argument about us taking the furniture.

*Ford (To BROWN)*—Yes! Then what happened—what did Mr. Steel do?

*Brown*—He didn't do anything—he told us to take the furniture.

*Ford (To BROWN)*—And did you do it?

*Brown*—Well, we started to, but Kuhns hollered to us and told us not to touch it.

*Ford (To BROWN)*—What happened then?

*Brown*—Steel had gone out on the porch and Kuhns followed him out there and they were talking pretty mad and Kuhns said—"If you take this stuff I will fix you," or something like that.

*Small (To JUDGE)*—I object, your Honor!

*Spirit of Dignity (To JUDGE)*—Such trivial objections but take up your Honor's time!

*Judge (To SMALL)*—He has answered the ques-

tion. It may stand. (*To Brown.*) Let me caution you, Mr. Brown, to be as precise as possible.

*Brown—I—*

*Ford (Interrupting)*—Just a minute, Mr. Brown. Now you say that Martin Kuhns followed Mr. Steel out on the porch and you heard Kuhns say to Steel: "If you take this stuff I will fix you." What did you understand Kuhns to mean by that?

*Small (Excitedly)*—Just a minute, Mr. Brown. (*To the JUDGE.*) I wish to interpose an objection, your Honor! on the ground that the question calls for the conclusion of the witness.

*Ford (To SMALL)*—He has a right to his opinions.

*Small (Sarcastically)*—He has not qualified as a mind reader, and I object.

*Judge*—Objection sustained.

*Ford*—You said a moment ago, Mr. Brown, that Mr. Steel and Kuhns were talking as if they were mad—angry. Did you hear what Mr. Steel said?

*Brown*—No! except when he told us to move the furniture. He did not talk mad nor loud like Kuhns.

*Ford*—But you did hear what Kuhns said?

*Small (Jumping to his feet excitedly)*—I object! He is trying to lead the witness as though he had been coached!

*Ford (Forcefully)*—I take exception to counsel's remarks and ask that they be stricken from the record. It is uncalled for and unethical on part of counsel, tending to disparage my motives in the opinion of the Jury.

*Small (Excitedly)—I—*

*Judge (Severely)*—Gentlemen! I will have none of this. (*To COURT REPORTER.*) You may strike Mr. Small's remarks from the record. (*To Jury.*) The Jury will disregard it and I trust it will not be necessary for me to reprimand counsel. (*To BROWN.*) Mr. Brown, could you hear what Mr. Steel said?

*Brown*—Not distinctly—but I did hear Kuhns—he spoke loud and in an angry tone.

*Ford (To BROWN)*—Did Kuhns threaten Mr. Steel in any way that you heard?

*Brown*—Yes! he said he would fix him if he took the stuff.

*Spirit of Vulgarity (To crowd)*—Notice the sorrowing wife! How eagerly she bends her head to catch the words that may spell life or death! And see the “Criminal,” too—he mops his brow and shakes his head in negative. Can that be acting? The plot grows tense! There is need of acting now!

*Ford (To BROWN)*—Then what happened?

*Brown (Leans well forward the better to be heard)*—I heard Kuhns say: “Take that, damn you!” and then Kuhns hit him.

*Spirit of Ambition (To FORD)*—You coached your witness well—he denies you not.

*Spirit of Fear of Poverty (To BROWN)*—Remember now the talks you had with Ford—the case of the State hangs upon your words.

*Ford (To BROWN)*—What with?

*Brown*—I could not see from where I stood, but I saw Kuhns swing his arm back and then suddenly Steel cried out and threw up his hands—and

sank down in a heap. I ran to help him, but before I got to him he fell backwards and slid down the steps.

*Ford (To BROWN)*—You say Mr. Steel “slid down the steps”?

*Brown*—Yes!

*Ford (To BROWN)*—Was Steel unconscious?

*Small*—He did not speak—his eyes were wide open—I think he was dead when I got to him.

*Small (To JUDGE)*—I object! The witness is attempting to draw a conclusion. It is mere speculation—his answer.

*Spirit of Ambition (To FORD)*—’Tis well! The Jury already have the answer firmly planted within their muddled brains.

*Spirit of Revenge (To Jury)*—His opinion is as good as any man’s. He has probably seen dead men before—men in his business often see the dead.

*Judge (To BROWN)*—Did you try to feel his heart, or do anything that would cause you to believe beyond a reasonable doubt that Mr. Steel was dead before you reached him?

*Brown*—I ran down the steps where Steel had fallen—he was lying on his face, so I rolled him over and put my hand over his heart—it did not beat—I think he was dead.

*Ford (To BROWN)*—What did you do then?

*Brown*—I called Jim Cox to help me—Steel was a heavy man—and then I sent Cox for a doctor.

*Ford (To BROWN)*—Why did you send Cox for a doctor?

*Brown*—I thought Steel was dead—but I wanted to be certain.

*Ford (To BROWN)*—Then what did you do?

*Brown (With air of importance)—I arrested Kuhns.*

*(During the preceding action the jurors are, each one, from time to time consulting their watches while the various Spirits are moving about among them whispering to each other, and now and then stooping down to whisper to the jurors.)*

*Retired Merchant Juror (Rising from his seat: to the JUDGE)—Your Honor, may I be excused for a few minutes?*

*Judge—We will take a recess for twenty minutes.*

*Spirit of Dignity (To JUDGE)—An opportunity here for an admonition which should not be overlooked!*

*Judge (To Jury)—Gentlemen of the Jury, let me caution you not to converse with each other or with anybody of or concerning the matter before you, nor to read any newspaper, nor do anything which would tend in any way directly or indirectly to influence you in the case now at trial, nor to form nor express an opinion until the case is finally submitted to you.*

*(The Jury file out accompanied by a BAILIFF. The JUDGE descends from the bench and retires through door "Chambers." The crowd begin to converse with each other, the NEWSPAPER PHOTOGRAPHER takes another flashlight of the "Criminal." MARTIN rises and takes a seat next to ANN and converses with her. The District Attorney moves about chatting with the Court Attachés. SMALL reads from a law book. Newspaper Reporters write busily. A*

*man from the crowd passes through gate and goes up to FORD and engages him in earnest whispered conversation, having first drawn FORD to one side out of earshot of others in front of railing.)*

*Spirit of Vulgarity (Calling attention to man talking with FORD: to crowd)—Ah! Ha! A detective for the State reports to his chief! He moves with stealth and travels in darkness. His business in life is peeping through keyholes and listening at cracks.*

*(The detective withdraws hurrying from the room through "official" entrance. A man from the crowd dressed in conventional clerical garb "buttonholes" FORD, drawing him to one side, and converses with him earnestly in undertones.)*

*Spirit of Vulgarity (Continuing)—And now the Church supports the State—the Church may ever be depended upon to do its full duty in upholding "law and order" because, perhaps, the man may be one of those "whom Christ came down to save."*  
*(The crowd begin to stir about and rise from their seats.) Patience, my worthy friends! The best is yet to come. Maybe the wife and boy will testify and, perhaps, the "Criminal" himself will take the stand—but best of all will be the arguments. They say that Joel Ford will make the finest effort of his life. Election is at hand. He has high aspirations. Don't move too far or you will lose your seats—they will be in rare demand to-day.*

*Spirit of Justice (Rising painfully and groping her way to the JUDGE's Bench she ascends the steps falteringly. DIGNITY withdraws behind the red*

*plush curtains. LEARNING steps out from between the red plush curtains and stands listening.)—* I was invited here but found my place by alien forces occupied. The seats laid bare but for a moment give time for pause. Murky seems the place with odors stale, and foul the air I breathe beneath the emblem of the Just. Like all the rest, I merely pose but for a space, unreal and shadowy, when I descend and others take my place. I can but lurk among the crowd, most heavy hearted, to witness this—my travesty. (*Curtain descends on end of Scene I, Act II.*)

CURTAIN

## SCENE II

*But a few moments pass between Scenes I and II. Stage the same as in Scene I. It is the following afternoon. In the interval between Scenes I and II the case has been tried and arguments on both sides heard. Witnesses testified as promised in the opening address by FORD, and contra-witnesses testified for the defense as promised by SMALL. The JUDGE has read his instructions on the law to the Jury. The audience seem relaxed and are beginning to move uneasily as though preparing to leave the Court Room. Both FORD and SMALL are seated at the Attorneys' table. MARTIN is seated between ANN and ADOLPH and MRS. EVERHART in a seat next to ANN—all four engaged in whispered conversation. The SPIRIT OF JUSTICE is seated near MARTIN; all other Spirits excepting LEARNING, who is not present in the Court Room, and VULGARITY, who capers about among the crowd, are arranged behind the Jurors. The SPIRIT OF DIGNITY, however, does not take his place among the other Spirits until after the conclusion of his opening speech.*

*Spirit of Dignity (To JUDGE)—Well done! Enough high sounding, empty phrases to satisfy the most exacting master.*

*Judge (To Jury)*—Gentlemen of the Jury! The Bailiff will now conduct you to the jury-room for your deliberations and will hand you several forms of verdict, one of which you will sign by your foreman if you can agree. (*To BAILIFF.*) Mr. Bailiff, conduct the Jury to the jury-room. (*The Jury file out behind the BAILIFF, all the Spirits excepting LEARNING and VULGARITY following and walking with the Jury. All pass through door right forward. JUSTICE lingers.*)

*Spirit of Justice (Watching Jury)*—So, with those twelve men rests the fate of a human soul. They would usurp my province—I must hasten. (*Withdraws behind red plush curtains.*)

*Spirit of Vulgarity (To crowd)*—And now we wait the verdict—in the meantime we may speculate. Come! What are the odds? (*The JUDGE rises and retires to his chambers.*) We have heard the evidence as well as has the Jury—some of us no doubt more accurately, and we may weigh it, too. We have observed the several actors in their several parts. One set of witnesses declares 'twas a premeditated crime—another that it was no crime at all—each set confutes the other quite; the experts disagree, the jury seemed quite bored. An able arraignment made by Counsel for the State—the defense was rather lame. Come! What are the odds? Here is a chance to speculate with human life at stake!

*Bailiff (To MARTIN)*—Come with me now! They may be out for hours—there is no use waiting here. You will be brought back when the Jury have agreed or, at least, when they report.

*Ann (To MARTIN)*—It will be all right—I am

sure. I don't see how it could be otherwise—they cannot find you guilty, who never meant to do a wrong. (MARTIN embraces ADOLPH and ANN.) I will be waiting here.

*Mrs. Everhart (To MARTIN)—I will stop with her (indicating ANN).*

*Martin (To group)—It won't be long. (Goes out door right forward with BAILIFF.) SMALL joins ANN, ADOLPH and MRS. EVERHART and together they slowly go out main entrance conversing meanwhile.)*

*Spirit of Ambition (Who has re-entered from behind purple curtains and joined FORD: to FORD)—You have served me well to-day.*

*Spirit of Vulgarity (To crowd)—See! the anxious wife departs together with the boy and their young counselor.*

*Newspaper Photographer (Taking another flashlight of ANN and group)—I must get a good one of the "Criminal," wife and boy when the verdict is delivered.*

*Spirit of Justice (Steps from between red plush curtains on to Judge's Bench)—The puppets come and go—'tis my duty to remain until the very last. In the jury-room twelve so-called honest men and true will weigh, I fain would hope, the merits of the case. I may be of service there. (Curtains descends on end of Scene II, Act II.)*

CURTAIN

## ACT III

### SCENE I

*A Jury-room. The room is large and with high ceiling; the walls green and hung with pictures similar in character to those in Court Room. One window rear looks out on roofs of adjoining buildings—a dismal prospect. One window right also looks out on roofs and this window has the sun shining into it and flooding the floor near it. Beneath this window is a low wooden seat. A long, mahogany table stands in the center, around which are drawn twelve mahogany chairs. On this table are various writing materials—paper pads, ink stands, pens, pencils, etc. On the floor are several waste-paper baskets and several cuspidors. Also on the table is a small mahogany box with a slit cut in the lid—fastened to a handle—the ballot box. One door only leads off left. Near the front is a somewhat smaller mahogany table with twelve chairs grouped about it—this table is bare. As curtain ascends the SPIRIT OF JUSTICE is discovered seated at one end of large table bent in meditation.*

*Spirit of Justice—I seem to have preceded here; perhaps there was no cause for haste. It is good to be alone!*

(Door left opens and BAILIFF enters and steps to one side permitting the Jury to file in after him. The SPIRIT OF JUSTICE rises and stands aside. Together with the Jury enter the SPIRITS OF WEALTH, FEAR OF POVERTY, IGNORANCE, PRECEDENT, HUMILITY, GREED, HATE, REVENGE and PRIDE, and immediately find seats around the smaller table. Several of the Jurors take off their coats and hang them over the backs of chairs, light cigars, cigarettes, etc. After a pause there enter the SPIRITS OF AVARICE, AMBITION, DIGNITY and, last of all, LEARNING. The SPIRIT OF JUSTICE critically surveys the Jurors, then the Spirits.)

(JUSTICE continues)—My meditations are interrupted once again—hubbub doth distract me quite.

*Banker Juror* (To other Jurors)—It is good to be allowed to smoke again. (Blows large puff of smoke from his cigar toward the ceiling.) Well, gentlemen, this unfortunate business is nearly at an end. Let's get down to it. I suppose we must first elect a foreman!

*Merchant Juror*—I am anxious to be done with the whole thing. I move we elect Banker foreman!

*Grocer Juror*—I second that motion.

*Broker Juror*—Let's vote! All in favor of Banker for foreman signify by saying aye!

*Eleven Jurors*—Aye!

*Banker Juror*—I thank you, gentlemen.

*Broker Juror*—The ayes have it—it is unanimous.

*Banker Juror*—Shall we discuss this matter, or

shall we take a ballot at once in order to see how near we are together to start with?

*Broker Juror*—Let's take a ballot!

*Banker Juror*—Mr. Broker, I will appoint you Secretary of the Jury. (To *Jurors*.) Gentlemen, will you vote and Mr. Broker will collect your ballots! (SPIRIT OF LEARNING passes quietly among the *Jurors* and *Spirits*, then shaking his head negatively slips quietly out of the door, closing it behind him.)

*Spirit of Justice* (Standing to one side slips bandage up from eyes and carefully re-surveys each one, both *Jurors* and *Spirits*)—These false lights blind my sight, though well enough I see (indicating *Spirits*) I am one too many here. (Slips bandage back over her eyes and gropes her way to the window right where she sits down on bench with the sunlight streaming in upon her.)

*Carpenter Juror*—Before I vote I want to know if you are voting on first degree, second degree or only manslaughter.

*Banker Juror* (To CARPENTER)—First degree—that is what the District Attorney urged upon us. We will see how near we are together on that first, anyhow. (BROKER JUROR tears up a number of bits of paper and passes a slip to each juror, who writes upon it and places it in ballot box which BROKER passes among them.)

*Spirit of Revenge*—An eye for an eye, a tooth for a tooth!

*Spirit of Hate*—Murderers must be punished! Let's hang him at once!

*Spirit of Precedent*—Since time immemorial murders have been avenged by death!

*Spirit of Humility*—We must heed well what the Judge said—he seemed to lean toward hanging—how austere he was!

*Spirit of Fear of Poverty*—Steel was rich—the Banker evidently wants to hang.

*Spirit of Ignorance*—The law as applied to this case demands a verdict of guilty.

*Spirit of Justice (Rises and gropes her way uncertainly about the room)*—All exits are concealed and I would out! Some heavy mantle descends upon my shoulders and weighs me down as though I wore the very Judge's robes. (*During the foregoing dialogue the Jurors are conversing in low tones, occasionally laughing, bantering each other and—incidentally balloting. From time to time each Juror consults his watch anxiously.*)

*Banker Juror*—Well, gentlemen, we still seem to be divided six to six on a vote for murder in the first degree. We will never get through at this rate. What do you say that we try for a compromise verdict on murder in the second degree? I am for hanging and I don't care who knows it, but we seem unable to agree on that. Mr. Broker, take a ballot on the second degree proposition. (*BROKER tears up more paper and passes it around, etc.*)

*Spirit of Greed*—I wish we could get out of this. My interests have suffered long enough through this miserable affair. I have other fish to fry.

*Spirit of Revenge*—I will stay till doomsday but that I see the State avenged. An eye for an eye, a tooth for a tooth!

*Spirit of Dignity*—I lend the Judge's authority to these proceedings.

*Spirit of Ambition*—Steel was rich and leaves

many friends among the rich and influential. Our decision will be read of men. Kuhns is but a laborer.

*Spirit of Wealth*—Kuhns cannot even pay his debts; why waste time or thought on him? Now, had he been rich or influential—but then we do not hang the rich.

*Spirit of Precedent*—There is no precedent for that—such a course is utterly unheard of.

*Banker Juror*—Well, that is better! We lack but two for a verdict of second degree—and they but ask for leniency. I venture my friend the Carpenter is one of those.

*Carpenter Juror*—You are right! The man was poor—they would have taken his all. I was for acquittal altogether until you persuaded me.

*Banker Juror*—Pooh! Pooh! my friend, the murdered man was but exacting his rights. I think Steel was most lenient. A man must pay his debts.

*Spirit of Hate*—Think of what the constables said under oath. To be sure the second fellow, Cox, did get somewhat mixed when pressed, but he is something of a fool and rather soft. Sentiment can't play with Justice!

*Spirit of Justice* (Rises to her full height and, stepping over to the table where Spirits are seated, looks down upon them)—Dost take my name in vain! And who, pray tell me, has the bold effrontery to fix the rule by which I am dispensed, or dispensed with should I rather say? Aye! that is quite another matter. In fact and truth—that truth which is so niggardly—does mortal mind pretend to regulate the scales of Justice? I am one who best can answer! Justice when unconfined weighs not

so much the outward signs and evidence as those most subtle, unseen influences which are the basis of men's acts, I—

*Spirit of Revenge (Interrupting)*—Who called you here? You! an alien in this place! We want no preaching here! Didst not observe the Honorable Court with all the trappings set and all the functionaries attended well by those most fit to give their act direction? Out! Out among the savages, if indeed with blinded sight and withered, laggard limbs thou still canst grope thy way—this is a most respectable proceeding!

*Various Spirits*—Yes! Yes! Out with you! Away!

*Spirit of Dignity*—Out of our sight and sense! We will brook no interference! We can permit no limp and half-blind wandering mountebank to stay our august measures. (*SPIRIT OF JUSTICE, completely crushed, limps back to seat by window. The sun goes under a cloud and all is dull.*)

*Broker Juror*—Let us hope this will settle it. (*Collects ballot.*) It is already late (*looks at watch*) and we don't want to spend another night at this. (*Hands ballot box to BANKER JUROR.*)

*Spirit of Dignity*—Gentlemen, it is time we settled this matter. I will call the roll. (*Calls to each Spirit in turn.*) Revenge?

*Spirit of Revenge*—An eye for an eye, a tooth for a tooth! Guilty!

*Spirit of Dignity*—Wealth?

*Spirit of Wealth*—I vote with my class—Guilty!

*Spirit of Dignity*—Ignorance?

*Spirit of Ignorance*—I vote according to the law—Guilty!

*Grocer Juror*—(*To fellow jurors*)—That reminds me of the story of the little boy and his Sunday-school teacher! This little boy—

*Spirit of Dignity*—Avarice?

*Spirit of Avarice*—Because it pays to do one's duty—Guilty!

*Spirit of Dignity*—Humility?

*Spirit of Humility*—The Judge is a learned and an honorable man—Guilty!

*Spirit of Dignity*—Precedent?

*Spirit of Precedent*—Because men have always been punished—Guilty!

*Plumber Juror*—That's pretty good—(*immoderate laughter is heard from jurors' table at the conclusion, evidently, of the grocer's yarn.*)

*Spirit of Dignity*—Ambition?

*Spirit of Ambition*—To gain my ends—Guilty!

*Spirit of Dignity*—Greed?

*Spirit of Greed*—My sympathies lie all with Steel, the rich man—Guilty!

*Spirit of Dignity*—Pride?

*Spirit of Pride*—I am a respected citizen; to maintain society—Guilty!

*Spirit of Dignity*—Hate?

*Spirit of Hate*—It is my habit and in my blood—Guilty!—as usual. (*SPIRIT OF HATE rubs her hands.*)

*Spirit of Dignity*—Spirit of the Fear of Poverty, what say you?

*Spirit of Fear of Poverty*—I vote Guilty! because the man is poor.

*Spirit of Dignity*—Gentlemen, I vote with the balance of you to uphold the majesty and honor of the law. It is unanimous.

*Spirit of Fear of Poverty*—The laws are made by the rich for the rich.

*Banker Juror (Counting ballots)*—That is well! Gentlemen, I congratulate you—we are agreed at last. Twelve good men and true find for murder in the second degree. Our irksome task will soon be done. (To BROKER.) Mr. Broker, hand me the slip prepared for murder in the second degree.

*Broker Juror (Handing slip to BANKER)*—Here it is—and here is pen and ink. (Pushes inkwell over in front of BANKER.)

*Banker Juror (Reading slip aloud)*—“The State versus Martin Kuhns, Defendant: We, the jury in the above entitled cause, find defendant, Martin Kuhns, guilty as charged of murder in the second degree.” That is short and sweet! Is it your verdict, gentlemen?

*Eleven Jurors*—It is!

*Banker Juror*—Then I will sign it! (Signs with flourish.) We may now send for the Bailiff. (To BROKER.) You push the button. (BROKER JUROR pushes electric push by door.)

*Spirit of Revenge*—Gentlemen, you have done your duty—the State will be avenged.

(The SPIRIT OF JUSTICE has moved unnoticed dejectedly over by the door. As SPIRIT OF REVENGE finishes speaking the BAILIFF enters and the SPIRIT OF JUSTICE slips out.)

*Bailiff*—Are you ready, gentlemen?

*Banker Juror*—We have arrived at a verdict and are ready to report.

*Bailiff*—I will at once notify the Judge and return for you in a few minutes. (BAILIFF withdraws locking the door after him.)

*Grocer Juror*—I will be glad to get back to my business. The Lord knows how much my clerks have stolen from me since I have been cooped up here!

*Butcher Juror*—The price of meat is going up all the time and I will be glad to get on the job again—I will bet this neglect will have cost me a pretty penny.

*Prosperous Merchant Juror*—I take stock at my store at this season of the year and I expect everything has been at a standstill since I left.

*Carpenter Juror*—Jurors' fees are just about half my wages, besides I will be glad to get back to my old woman.

*Farmer Juror*—I have been worried about my stock—there is a rumor of hog cholera in my neighborhood.

*Schoolmaster Juror*—I rather enjoyed the Attorney's arguments and the Judge's instructions, but now that that is all over, I will be only too glad to get back to my studies.

*Plumber Juror*—I never had no use for a thief or a murderer—I was for hanging from the first, but I am satisfied with second degree as long as that is the best we could do.

*Retired Businessman Juror*—The strain of an affair like this is too much for one of my years—I cannot stand the confinement.

*Clerk Juror*—I wonder if I will be docked for the days I spent here!

*Barber Juror*—I get paid by the piece and I will be glad to get out for Saturday's and Sunday's trade—they are always good—then me and the wife will go to the beach Sunday afternoon.

*Broker Juror*—Mine is a busy life—hustling all the time—can't spare a minute off. I think Bankers and Brokers should be exempt from jury duty.

*Banker Juror*—I have positively been pining for some decent food—the stuff the County fed us was atrocious.

*Bailiff (Entering)*—All ready, gentlemen! Step this way!

*Spirit of Dignity*—A solemn mein is now prescribed—and measured step.

(*The Jury file out followed by the Spirits. Through the open door is seen the SPIRIT OF JUSTICE with shoulders and head drooping—one hand across her eyes, the other outstretched and groping.*)

*The curtain here descends on end of Scene I, Act III.*

CURTAIN

## SCENE II

*Same as Scene I, Act II. All persons in same places except Jurors and Spirits. The SPIRIT OF DIGNITY, however, is on the JUDGE'S Bench. The Jury preceded by BAILIFF file in through door right forward, pass down the aisle slowly and solemnly and take their former seats. As soon as the jurors are seated the various Spirits appear from behind the purple curtains and take their places behind the jurors.*

*Spirit of Vulgarity (To crowd)—*It did not take them long. Had it been a Bank Directors' meeting concerning some paltry loan or discount, it would have proven a far more arduous task, methinks. Note their countenances! How solemn they appear! One would think it was their precious necks and not the "Criminal's" there in jeopardy.

*Spirit of Dignity (To JUDGE)—*Last scene of all! and that most worthy of the cloth in which I have begowned you.

*Spirit of Ambition (To FORD)—*It is your fate which we shall hear.

*Spirit of Avarice (To SMALL)—*It is success or failure which awaits you.

*A Newspaper Reporter (To ANOTHER NEWSPAPER REPORTER)—*I will have to hurry to get my copy in.

*Another Newspaper Reporter*—Mine went to our paper by relays—we'll have a "scoop."

*Judge*—Gentlemen, have you agreed upon a verdict?

*Banker Juror*—We have, your Honor!

*Judge*—Hand it to me, if you please, Mr. Banker! (BANKER JUROR steps up to JUDGE's Bench and hands him the written verdict. The JUDGE reads it to himself and then hands it back to the BANKER JUROR.)

*Spirit of Vulgarity*—Now crane your necks—the denouement comes—miss not a syllable! How tense the air—and how strained the "Criminal"; the wife leans forward in her seat and holds her breath. See the Cleric there—the one who feeds upon donations, so active in support of State that one wonders did he pray to God the sinner might be hung. The runners of the Court—callous though they be to scenes like these—upon their tip-toes stand. This is the final sauce to morbid gluttony. The Judge alone and Jurors remain calm.

*Judge*—Mr. Foreman, you may read the verdict!

*Banker Juror* (Stands, clears his throat, then reads)—"The State versus Martin Kuhns, Defendant: We, the jury in the above entitled cause, find defendant, Martin Kuhns, guilty as charged of murder in the second degree." (BANKER JUROR looks at the JUDGE as if for further instructions, the JUDGE nods, the BANKER JUROR takes his former seat.)

*Ann* (Clutches wildly at MARTIN)—It cannot be! There must be some mistake—it cannot be!

*Small* (Joins ANN and Group)—There! it is

only second degree—that's not so bad. We will appeal anyhow—the record is full of errors. (*Turning to MARTIN and laying hand on his shoulder.*) Better luck next time!

*Martin (Dazed)*—Next time!—Next time? I don't know—I didn't mean to kill him! God knows, I didn't. I told the Jury—and the Judge (*in despair*)—they didn't believe me! (*MARTIN puts one arm around ANN and the other around ADOLPH. To ANN and ADOLPH with effort.*) Never mind! perhaps it is not so bad—Mr. Small said it was not so bad. You go now—I will be all right! Mrs. Everhart will go with you. I will see what can be done. (*To MRS. EVERHART.*) You look after them—I can't do it—now.

*Mrs. Everhart (To ANN and ADOLPH, who are both weeping)*—There! There! dears, it will be all right; I will look after you till we can make some other plans—come with me.

*Judge*—Is that your verdict, gentlemen?

*Twelve Jurors*—It is.

*Judge (To FORD)*—Do you waive polling the Jury, Mr. Ford?

*Ford*—The State waives.

*Small (Turns and advances to the JUDGE)*—Defense waives, your Honor!

*Judge*—Very well! I will pass sentence on the prisoner at ten o'clock on the morning of April twenty-third, at which time I will hear any motions you may have to make to the Court. (*Turning to Jury.*) Gentlemen, before dismissing you I desire to thank you for the patience and courtesy you have displayed throughout the trial of this case and in the performance of your duties. You are

now dismissed from further jury duty. (*The Jury step out of jury box and congratulate and shake hands with FORD, who comes forward to meet them. The BAILIFF leads MARTIN out door right forward, ANN, ADOLPH and MRS. EVERHART going with him as far as the door.*)

*Bailiff (To ANN and group)—You will have to leave him here. You can see him later at the jail. (As MARTIN and BAILIFF go out, ANN, with her arm around ADOLPH's shoulder, remains beside door weeping silently—greatly shaken. The SPIRIT OF FEAR OF POVERTY steps up to ANN and ADOLPH and stretching out her arms draws them both to her breast, enfolding them at the same time in her robes.)*

*Spirit of Fear of Poverty (To ANN and ADOLPH)—Come under these sheltering robes—I will pledge myself to guard and keep you company. (FEAR OF POVERTY, ANN and ADOLPH folded in her robes as though under some huge wings, MRS. EVERHART following, exits main entrance.)*

*Spirit of Vulgarity—The parting of the ways—exit the wife and boy and goodly company.*

*Spirit of Dignity (To Judge)—To "Chambers" we may go where I may gain respite from vigilance and you may breathe again—a human being.*

*Spirit of Vulgarity (REPORTERS intercept JURORS as they are leaving the room)—The show is out—the newsmongers and scandal-gatherers hasten to the ever-grinding press—It's been a rattling day!*

*(The COURT ATTACHÉS gradually, by ones and twos, withdraw, chatting and laughing as they go. The JUDGE steps off Bench and retires*

*to his "Chambers" slamming the door in the face of DIGNITY.)*

*Spirit of Dignity*—How quickly cast aside when stern duty calls a day a day! (*Joins other SPIRITS in space around ATTORNEYS' table.*)

(*AMBITION, arm in arm with FORD, passes out door, "Clerk" chatting gaily with him as they go. AVARICE, arm in arm with SMALL, passes out the main entrance.*)

*Spirit of Avarice* (*To SMALL at door*)—Better luck next time! (*Other Spirits pass out main entrance with crowd—VULGARITY last of all, pausing in doorway to speak.*)

*Spirit of Vulgarity*—This day is spent—my Court (*pointing to retreating crowd*) precedes me to another scene. Whether Church, or home or field, I will join them there.

(*The SPIRIT OF JUSTICE rises painfully from seat beside ATTORNEYS' table and slowly ascends to the witness box. Standing, she pauses a moment and surveys the scene, pushing the bandage off her eyes with the left hand she raises her right arm and finally stretches both arms out over the now vacant Court Room and seats vacated by the crowd.*)

*Spirit of Justice*—Ah! but I am halt to-day! Worn and tired from my endless search for Truth, who aids me not. Since that time now centuries a-gone, when none but savages did rule the earth, have I been a wanderer. Ever crowded closer and closer by encroaching civilization,—from frontier to frontier have I hurried till the outposts have receded from my view. Meanwhile, Ambition, Hate, Revenge and Dignity have seared my soul,

while Pride and Avarice have chilled my heart.  
Uneven hang my balance scales; my blinded sight  
doth lead my feet astray; leaden shod and lagging,  
halt and most uncertain, by routes circuitous I  
journey far but for a place to rest. It all availeth  
nothing—and so it will remain until Truth and  
Courage are listed in my cause. Till then a limping,  
blinded, wandering vagabond I must remain.

CURTAIN







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